MISSISSIPPI LAW JOURNAL

PROCEEDINGS
MISSISSIPPI STATE BAR

Forty-Second Annual Meeting

INDEX FOR VOLUME XVIII

October, 1947

VOLUME XVIII NUMBER 4

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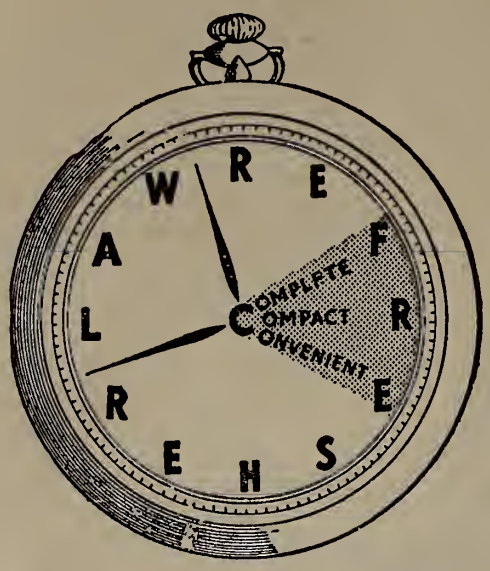

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Mississippi Law Journal

JOURNAL OF THE MISSISSIPPI STATE BAR

VOL. XVIII OCTOBER, 1947 No. 4

Contents

DIRECTORY TO PROCEEDINGS

ADDRESSES

R. C. Stovall, *President's Annual Address* ---- 491
Frank E. Everett, Jr., *Address* ---- 506
Sidney C. Mize, *Reduction of Costs on Appeal to the Circuit Court of Appeals* ---- 538
George E. Allen, *Address* ---- 544
Fred E. Strine, *The Lawyer in the Post-War Reconversion Period* ---- 549
James D. Fellars, *Address* ---- 581

COMMITTEE REPORTS

Finance ---- 498
Complaint Commissioner ---- 501
Junior Bar Section ---- 502
Procedural Reform Studies ---- 511
Legal Education and Admissions ---- 523
Miss. Committee of the Amer. Bar Assoc. Committee for the Improvement of the Administration of Justice ---- 542
Law Journal ---- 557
Resolutions ---- 557
Budget ---- 562

Junior Bar Section Committees

Civil and Criminal Procedure ---- 565
Code and Study ---- 567
Legal Education and Admissions ---- 571
Public Relations and Information ---- 574
Restatement of the Law ---- 575
Unauthorized Practice of Law ---- 576
Civil Rights Committee ---- 578
Administrative Law ---- 587
In Aid of the Small Litigant ---- 595
Veterans' Advisory ---- 597
Legislative ---- 598

PROCEEDINGS OF JUNIOR BAR SECTION ---- 565

STATE BAR SECTION ---- 601

DIRECTORY OF ACTIVE MEMBERS ---- 606

Entered as second class matter, November 25, 1936, at the Post Office at University, Mississippi, under the Act of Congress of March 3, 1879.
Published in October, December, March, and May
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R. C. STOVALL
Retiring President of Mississippi State Bar

PROCEEDINGS OF THE FORTY-SECOND ANNUAL MEETING OF THE

Mississippi State Bar

Held in the City of Biloxi, Mississippi on the 27th and 28th of June, 1947

The convention was called to order at 10:30 a.m., June 27, 1947, by Mr. R. C. Stovall, President of the Mississippi State Bar.

The invocation was delivered by Reverend Kilbourn of the Methodist Church of Biloxi.

Addresses of welcome were delivered by Mayor G. B. Cousins, on behalf of the City of Biloxi, and by Mr. W. A. Wallace, on behalf of the Harrison County Bar Association. Mr. William Keady responded to the welcome addresses on behalf of the Mississippi State Bar.

President Stovall stated that the president's annual address was the next order of business. His address follows:

PRESIDENT'S ANNUAL ADDRESS

"THE OLD ISSUE"

R. C. Stovall

"Where law ends, tyranny begins." Here was the quintessence of William Pitt's political creed, the secret of his irresistible strength. This brief and simple statement is an abstract of twenty centuries of experience in government. In it, England's Great Commoner voiced a universal concept of English-speaking people.

History has taught us to revere law as the guardian of our liberty. The necessity of choosing between tyranny and law, Kipling calls "The Old Issue."

> "All we have of freedom, all we use or know—
> This our fathers bought for us long and long ago.
>
> Ancient Right unnoticed as the breath we draw—
> Leave to live by no man's leave, underneath the Law."

In the rule of Queen Anne, according to Blackstone, a fearless Middlesex sheriff arrested the Russian Ambassador on the streets of London for a debt of fifty pounds. When word of the arrest reached Peter the Great, he demanded the officer's life for the gross insult to "His Excellency." We can imagine the Czar's amazement when the Queen replied that she could "inflict no punishment upon any, the meanest, of her subjects, unless warranted by the possibilities." Later an ambassador extraordinary was dispatched to the land of the Muscovites. With elaborate ceremony, he presented its despot with a copy of a brand new statute designed for the protection of foreign ministers. Diplomatic immunity was one thing, and an Englishman's guarantee

against loss of life or liberty without due process of law, another, in the early Eighteenth Century.

Off with his head? Impossible, Your Majesty! Remember Runnymede. "We will not go against any man nor send against him save by legal judgment of his peers or by the *law of the land.* * * * * To no man will we sell, or deny, or delay right or justice. Truly, as Sir Edward Coke said, "Magna Charta is such a fellow as will have no sovereign."

The law has been sword and shield in the long struggle for freedom and constitutional government. It is still a potent weapon against tyranny in every form and guise; against the tyranny of despotism or of anarchy; against the tyranny of what Madison called the "overbearing majority" heedless of justice and the rights of minorities; against the tyranny of what Hamilton described as the "pertinacious minority" with power of obstructing public business.

"When a good sword is in the hands of a common general," the Chinese say, "there is utterly nothing to be done about it." We have known the tyranny of bureaucratic arrogance and stupidity, of organized violence, and of rampant and ruthless individualism in our day. We must fight, as Americans have fought in other years, for individual liberty and free institutions. In the heat of battle, it is senseless to quarrel with a dependable weapon, suicidal to throw it away. If we lose ground, the fault will not lie in the temper and edge of the blue blade our fathers fashioned. The dishonor will be ours that it has fallen into clumsy and spiritless hands.

The conditions of freedom have been the same in every generation: recognition of the supremacy of the law, and insistence upon its wise and just administration.

These principles clashed sharply with the divine right theory held by James I. In the irrepressible conflict, "the lawyers," Green said, "were subservient beyond all other classes to the Crown." But when James demanded the right to be heard before judgment was delivered in certain cases, the judges could find no shadow of precedent to sustain his contention. Sternly rebuked by their ruler, they apologized and promised decrees in conformity with his will and pleasure. Sir Edward Coke, the Chief Justice, alone dissented.

You will remember Sir Edward as a gentleman of fine intellect, caustic speech, and uncompromising integrity. He had ruled, and the case was closed. James might storm and threaten. The king's commands could control the king's henchmen, but the Chief Justice recognized no power above the law. In this, he was supported by the weight of English authorities: "The King ought to be subject * * to the law, for *the law maketh the king.*" According to Green, his answer to royal pressure was that "when any case came before him he would act as it became a judge to act." He recanted not a syllable when James dismissed him from the Council. "Syllables govern the world," Coke had said. The King threw his weight against the common law; Coke waited for the verdict of posterity. When he was thrown out of office, he

refused to retreat an inch. And the nation stood behind his opinion. The historian says that "no act of James stirred a deeper resentment among Englishmen than this announcement of his will to tamper with the course of justice."

Nearly three hundred years later, Kipling turned to this page in history for its unforgettable lesson. Be vigilant, he was saying; guard against the return of the old king under any name.

"He shall break his judges if they cross his word;
He shall rule above the Law calling on the Lord.
Strangers of his counsel, hirelings of his pay,
These shall deal our Justice: sell—deny—delay."

In the resurgent tyranny of the Eighteenth Century, George III miscalculated. "George, be King," his mother had urged the Crown Prince. Obsessed with her advice, he underestimated the stamina of Englishmen and the passion for freedom in America. Law triumphed over tyranny when his absolutist schemes were foiled by the statesmanship of Burke and Pitt, the diplomacy of Franklin, and the sword of Washington.

Surely no statesman ever loved his country with a more selfless devotion than William Pitt, or had a higher conviction of destiny in her service. But he knew he could never save England by surrendering principle to expediency and closing his eyes to corruption in high places. He refused positions of influence and authority unless he could hold them on his own terms. For he had sworn allegiance to a sovereign stronger than self-interest, more majestic than any king, the Law of the Land. "I will not go to Court," he said, "if I may not bring the Constitution with me."

To the judge who is worthy of his high office, the law is a rule of universal application, in force until changed by an established method. Adherence to this fundamental precept would lift our courts above politics, prejudice, pet ideologies, and every other pitfall that leads to oppression and injustice. A substantial rejection of it will mean a government by men and not laws, and that government is tyranny.

You will recall that Blackstone defined law, first of all, as a rule. "Not a transient, sudden order from a superior to or concerning a particular person; but something permanent, uniform and universal." "It is an established rule to abide by former precedent where the same points come again in litigation; * * * * to keep the scale of justice even and steady and not liable to waver with every new judge's opinion."

The founders of our government accepted his definition. We read in The Federalist: "It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated or undergo such incessant changes that no man who knows what the law is today can guess what it will be tomorrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?"

John Marshall, the ablest judge in American history, time and again stated the obligation of the Court to regard the law as a rule. "Judicial power, as contradistinguished from the power of the laws, has no existence," he said. "Courts are the mere instruments of the law." And again, "It is not for us to depart from the beaten track prescribed for us, and to tread the devious and intricate path of politics."

You are familiar with the ancient maxim, "Wretched is the thralldom where the law is either uncertain or unknown." How wretched, the lawyer is of all men best qualified to say.

The doctrine of the stability of laws and of their continued active existence until changed by orderly process applies with peculiar force to the supreme law of the land, the Constitution of the United States. In recent years, by legislative encroachment and judicial construction contrary to its letter and spirit, attempts have been made to evade or override its express provisions.

The oblique approach to revision of the Constitution through act of Congress or judicial interpretation avoids the publicity and precision of a constitutional amendment. As Burke insisted: "The people never give up their liberties but under some delusion." The advocates of radical change are loath to state the issue in clear and exact terms for approval or rejection by the citizens of the United States, as provided in our fundamental law. They know the American people would prefer the unchanging rights of man to the convenience of the hour, and law to tyranny.

The responsible architect who would remodel a building will submit a blueprint to the owner and not begin by destroying the foundation. John Marshall held in *Cohens v. Virginia*: "The people made the Constitution and the people can unmake it. It is the creature of their will, and lives only by their will. But this supreme and irresistible power to make or to unmake, resides only in the whole body of the people; not in any subdivision of them." The self-styled architects who would undermine the foundation of the Republic are, I believe, a lawless subdivision only of the American people.

When we deny the force of law as a uniform and universal rule, we are destroying the foundation of individual liberty and constitutional government. "Where law ends, tyranny begins."

The Chinese satirist Lusin, as translated by Dr. Lin, told of "a ruffian in Tientsin during the Boxer trouble who always demanded two dollars for carrying a person's luggage. Even if the luggage was very small, he still wanted two dollars. Even if the person didn't want him to carry the luggage at all, he still wanted two dollars." And Lusin thought his conduct execrable, a normal reaction in that country. For the Chinese are individualistic to the core, with a very solid respect for property rights among all classes. In this, they resemble our forefathers.

Lusin has joined his ancestors, and there is no sequel to the story. We do not read that a particularly independent Chinese, who wanted to carry his own luggage and resented the two-dollar tribute, took the

matter to court, where one group of Chinese judges held: "It is perfectly legal. Pay him the two dollars or settle the argument his way;" while one judge argued: "You should hold your wallet; you are being robbed;" and a member of the court was known to travel generally on the theory that a certain amount of ebullience must be expected under such circumstances. It is the absence of court procedure principally that distinguishes the Tientsin affair from the case of *United States of America v. Local 807 of International Brotherhood of Teamsters, etc.*

Let us suppose that, instead of one luggage carrier, there were a number of them, united and operating at all approaches to the city; that they wanted to carry milk, farm produce and other commodities; that their fee was eight or nine dollars instead of two; and that this happened in New York instead of Tientsin. The analogy completes itself.

You are familiar with the majority opinion in the case, which denied that the Teamsters' demands and method of enforcing them violated the Federal Anti-Racketeering Act. And you will also recall the dissent of the late Chief Justice Stone to the effect that, according to the line of reasoning followed by his associates, common law robbery would be an innocent pastime.

A divided bench may be evidence of the elusive quality of justice. At times absolute and exact rights tend to meet, and their sharp outlines become blurred and lost in the legal shading on each side of a question. But it seems rather odd that members of the Supreme Court of the United States would fail to agree as to whether conduct was a lawful labor practice or common law robbery. It is strange law that deprives a farmer of the right to carry his produce in his own truck over public highways and streets, without paying tribute to a union that insists on serving him, willy-nilly, or on collecting a fee regardless. The farmer who stood by Concord Bridge and "fired the shot heard round the world" must wonder at the legal, or illegal, strait jacket the Court has slipped on his descendants.

This decision is an illogical but dangerous attack on a fundamental principle of our democracy. We have heard scornful reference to base souls who would place property right above human rights. This, of course, is demagogic claptrap and means nothing. As Hon. James Beck said in 1924: "Property has no rights. But persons have a right to work and to enjoy its fruits." To refuse men that right is to renounce economic freedom.

More is involved here than the actual legal effect of such a decision in out-of-pocket loss from tribute money. We are accustomed to think of Americans as independent, conscious of their dignity and worth as individuals, and tenacious in defense of their liberties. These traits are part and parcel of our Anglo-Saxon inheritance. Burke had them in mind when he tried to explain to an obstinate and stupid British ministry and king the source of bitter resentment in the American colonies. "Men may be sorely touched and deeply grieved," he said, "in their privileges as well as in their purses. Men may lose little in property by the act

which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the two-pence lost that constitutes the capital outrage."

Nothing is more contagious than lawlessness. Not long ago, it seems, the dairy farmers of this section took a leaf from the Teamsters' notebook. A citizen of Italian ancestry from a town in the Delta started to New Orleans for a load of vegetables. Disorder was rife, but he knew nothing of the ferment among the milk producers. He was peacefully traveling down the highway when sharply commanded to halt. Naturally enough, he mistook the embattled farmers for highway bandits, stepped on the gas, and escaped with souvenir bullet holes in the body of his employer's truck.

It was purely a case of mistaken identity and lack of information. The pickets had no intention of shooting up a vegetable truck or murdering its driver; their purpose was to stop the delivery of milk. Nor had the vegetable man consciously crossed a picket line. He was minding his own business and doing his day's work, when Fate cast him for this perilous role in a roadside melodrama.

This man is an American citizen. Our country is at peace. He has been endowed by his Creator with the "unalienable rights" of "Life, Liberty and the pursuit of Happiness." He is living under a Constitution, adopted "to establish Justice, insure domestic Tranquility, and secure the blessings of Liberty" to him and his posterity. And yet his property rights were violated, his liberty restrained, and his life gravely endangered. The moral may be that anything can happen in a country where fundamental laws are ignored or virtually suspended at will. "Where law ends, tyranny begins."

Last month I was startled by a headline, "Court Upholds Police Search Without Writ." It sounded like a return to the time of George III.

You will remember the facts in *Harris v. United States*. Five F. B. I. agents went to the lodging of George Harris, looking for stolen canceled checks, which he was believed to have used for fraudulent purposes. A five-hour search of his four-room apartment, in which "nothing was left untouched or unopened," revealed no trace of the checks. But buried in a bureau drawer, in an envelope marked "Personal Papers", they found certain draft classification notices and registration certificates improperly in his possession. It was a conviction for violation of the Selective Service Act, based on this evidence, as you will recall, which the Supreme Court upheld.

Justice Murphy rendered a strong dissenting opinion, in which he asserted that the Court had "resurrected and approved, in effect, the use of the odious general warrant or writ of assistance, presumably outlawed from our society by the Fourth Amendment." "That this decision converts a warrant for arrest into a general search warrant lacking all the constitutional safeguards is demonstrated most plainly by the facts," he said. "Freedom from unreasonable search and seizure is one of the

cardinal rights of free men under our Constitution. * * * * The implications of what has been done in this case can affect the freedom of all our people."

General Warrant has a very ugly history. The men who framed the Fourth Amendment knew that, now and then, the guilty might elude an officer hemmed in by its provisions. But what concerned them far more, they felt it was sufficiently explicit to prevent a tyrannical exercise of power. It was designed to afford maximum protection to all citizens from arbitrary and unjust criminal procedure in the execution of a warrant for arrest or search. "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

When we destroy the Fourth Amendment, a man's house will no longer be his castle. Fishing expeditions to uncover secrets, either for malice or profit, may become the order of the day. And pliant officers will be made the instruments of personal vengeance or political persecution.

A citizen's evasion of the obligation to serve his country in time of war is a serious offense. The evidence, illegally obtained, would indicate that Harris sought to accomplish this by an unlawful alteration of selective service records. But the F. B. I., in order to convict him, unlocked the cell of a Public Enemy a thousand times more dangerous than the prisoner at bar. I am unwilling to trade the Fourth Amendment for the conviction of a draft dodger.

The F. B. I. has an enviable record of able, energetic and faithful performance of duty in war and peace. The American people are proud of the standard it maintains in the character and training of its agents. It is in no spirit of criticism of a splendid organization that I say I hope they will be more careful of the Constitution, in spite of the Court's decision. I believe our people would tell them: The treasures you handle, gentlemen, came to us from Americans who loved freedom more than life. Time has not impaired their intrinsic value and usefulness. If you are unable to make an arrest or search without destroying a portion of our bill of rights, let one man's guilt go unpunished, and spare our safeguards for our children and our children's children. "Where law ends, tyranny begins."

In his Address to the King in 1777, Burke asked: "What, Gracious Sovereign, is the empire of America to us, or the empire of the world, if we lose our own liberties?"

Would great riches or world power compensate us for the loss of freedom?

We face the Old Issue. We must choose between law and tyranny. Possessions beyond price are in the balance, our civil liberty, our free institutions, and our religious faith. Somewhere on the road to tyranny, men lose their sense of spiritual values and worship false gods. Our

fathers believed that a man's creed determined his character, and that our country's religion was the source of its strength and honor. May we claim our heritage of Christian principles. May we have their faith in the Living God, whose truth has made us free.

"America! America! God mend thine every flaw,
Confirm thy soul in self-control, thy liberty in law."

The report of the Finance Committee of the Bar Commissioners was presented by Mr. James Thames of Vicksburg.

REPORT OF THE FINANCE COMMITTEE

Mr. President, the financial structure of the Mississippi State Bar Association makes a report of the Chairman of the Finance Committee very simple. As you know each convention approves and ratifies the budget for the coming year. The report of this committee simply is to file with the association and explain to the association that the receipts and disbursements have been properly made. I have in my hand an audit made by Dick D. Quinn and Company, auditors of Jackson, Mississippi, showing the receipts and disbursements of the Bar Association and I am filing it with this report which gives a detailed statement of the actual dollars and cents that have come into the hands and the dollars and cents that have been expended.

There are one or two things that will be of interest to the association that will be incorporated into this report. At the last annual meeting of his association a resolution was passed in which this Association directed its incoming officers and Board of Commissioners to vigorously enforce the statute with reference to the payment of dues to this organization. At the beginning of this year there was a great number of delinquents. When your President called a first meeting of the Bar Commissioners this resolution was called to their attention and it received the support and work of the Commissioners. I am happy to report that there are less than a hundred members who are delinquent at the present time and, as we have more paid up members of the Mississippi State Bar than at any time in its history, the financial situation is good. The Bar Association is being operated in the black and we have a balance on hand in the treasury. This condition, I might say, is largely due to the tireless efforts of the Honorable Bob Thompson of Gulfport who is really entitled to the credit of the financial condition of this association and entitled to the full credit of the budget system which we now use. Mr. Thompson is Chairman of the Budget Committee and on tomorrow will bring you a report of the Budget Committee and a detailed itemization of the expenditures this association will be asked to make in the coming year. I am filing, as I have said before, this audit, which gives in detail all the information.

"Board of Commissioners
Mississippi State Bar
Jackson, Mississippi

Gentlemen:

In accordance with your request, we have audited the accounts and financial records of the Mississippi State Bar as maintained in the

office of the Secretary-Treasurer for the fiscal year ended May 31, 1947. The scope of this audit embraced the verification of all recorded receipts and disbursements for the year under review and the verification of the unexpended balance on hand at May 31, 1947.

A summary of reecipts and disbursements for the current fiscal year, as disclosed by this exhibit, and a comparison with a like summary of receipts and disbursements for the preceding fiscal year, are presented in the following table:

	1946-47	1945-46	Increase-Decrease
BALANCE ON HAND, BEGINNING OF YEAR	$ 1,566.99	1,019.12	547.87
RECEIPTS:			
Dues collected	8,385.00	4,730.00	3,655.00
Annual convention—excess of receipts over disbursements	626.89	274.14–	901.03
Returned checks for prior years' dues collected during year	——	10.00	10.00–
Total receipts	9,011.89	4,465.86	4,546.03
	10,578.88	5,484.98	5,093.90
DISBURSEMENTS:			
Secretary's salary	1,700.00	600.00	1,100.00
Office expenses	922.96	599.90	323.06
Commissioners' meetings	689.25	821.90	132.65–
Committee on war work	80.00	400.00	320.00–
Junior Bar Section	253.61	7.34	246.27
Mississippi Law Journal	1,739.91	1,056.74	683.17
Miscellaneous disbursements	966.92	62.45	904.47
Expense applicable to previous fiscal year	714.11	369.66	344.45
Total disbursements	7,066.76	3,917.99	3,148.77
BALANCE ON HAND, END OF YEAR	3,512.12	1,566.99	1,945.13

The balance of cash on deposit at May 31, 1947, amounting to $3,512.12, was verified by direct communication with your depository.

A review of the active membership roll of the Mississippi State Bar for the current fiscal year revealed the following information:

Active members paying dues	1,256
Delinquent members	108
Exempt members	47
New members exempt for one year	103
Members in U. S. Armed Forces	50
Total	1,564

Exhibit A

MISSISSIPPI STATE BAR

STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR THE FISCAL YEAR ENDED MAY 31, 1947

BALANCE ON HAND, JUNE 1, 1946			$1,566.99
RECEIPTS:			
Dues collected—Schedule A-1		$8,385.00	
Annual convention—excess of receipts over disbursements		626.89	
Total receipts			9,011.89
			10,578.88
DISBURSEMENTS:			
Secretary's salary		1,700.00	
Office expenses:			
Auditing	$125.00		
Bond premiums	22.50		
Exchange and bank charges	6.24		
Postage and box rent	214.95		
Purchases of furniture and fixtures	263.26		
Stationery, printing and office supplies	198.43		
Subscription—1947 Law Directory	32.00		
Telephone and telegraph	60.58		
		922.96	
Commissioners' meeting		689.25	
Committee on war work		80.00	
Junior Bar Section		253.61	
Mississippi Law Journal—see note below		1,739.91	
Miscellaneous disbursements:			
Flowers for funerals	10.20		
Investigating Committee	268.55		
Legislative Committee	156.61		
Memorial services	54.90		
National Conference of Commissioners on Uniform State Laws	150.00		
Pamphlet—The Rules of Professional Conduct	326.66		
		966.92	
Expense applicable to year 1945-46:			
Mississippi Law Journal — Volume XVII, Number 5		714.11	
Total disbursements			7,066.76
BALANCE ON HAND, MAY 31, 1947			3,512.12

NOTE: The March 1947 issue of the Mississippi Law Journal chargeable to the 1946-47 appropriation had not been paid for as of May 31, 1947. Check was issued for $306.97 on June 9, 1947, in payment of obligation.

Entries have been made in the journal under date of May 31, 1947, to bring the financial records into conformity with the statement of receipts and disbursements forming a part of this report.

Yours very truly,
Dick D. Quin and Company
Certified Public Accountant

The report of the Complaint Commissioner was presented by Mr. Fulton Thompson of Jackson.

REPORT OF THE COMPLAINT COMMISSIONER

The report of your Complaint Commissioner fortunately is a brief one, as is proper. It would be most pleasing to me if it could be reported that no complaints were registered during the year, but such is not the case. I am glad, however, to report to you that only eleven complaints were referred to me during the twelve months period ending today and, in all but two instances, proved to be more or less of a minor nature. Six of the eleven complaints were satisfactorily adjusted at the suggestions of your Complaint Commissioner and the files closed, rendering it unnecessary for a report of such minor complaints to be made to the Bar Commissioners. Of the remaining five complaints still pending only two were considered of sufficient importance to warrant your Complaint Commissioner making formal report of such to the Bar Commissioners. In each of the two apparently more serious complaints, the Bar Commissioners promptly and unanimously ordered a full investigation made of the charges preferred against the two allegedly erring brothers and directed that ample opportunity be given them to defend and answer the charges preferred against them. In one of the two cases where the record was completed prior to the last or May 2, 1947 meeting of the Bar Commissioners, at which time such record was carefully considered, the Commissioners ordered the institution of disbarment proceedings and it is my understanding that your President has appointed counsel to take the necessary steps in the courts for disbarment. The record of the investigation in the remaining apparently serious case has not as yet, so far as I am advised, been completed and the matter is yet pending for further action by the Bar Commissioners. In all pending cases, the files will be turned over to my successor.

Judging from the small number and the nature of the complaints against the members of the Bar during the last year which came to the attention of your Complaint Commissioner, it may be justly concluded that the conduct of the lawyers of this state as a whole indicates that they are men of the highest integrity and such a record reflects credit upon the profession.

It is my understanding that in the past there has been a tendency among lawyers to look upon the office of Complaint Commissioner as

more or less a burdensome chore and, as a matter of fact, it does require time and energy as do other worthy undertakings. But after a year's service as your Complaint Commissioner, I am convinced that the office presents a real opportunity to serve not only the public generally but as well our fellow lawyers by preventing disgruntled and disappointed clients from imposing upon the lawyers. In some instances, clients are too demanding and entirely unreasonable and endeavor to use a complaint lodged with the Complaint Commissioner as a threat to make the lawyer do that which he is not required to do under his contract of employment and under our Code of Ethics. It is hoped, therefore, that if you be the fortunate one who will be designated as Complaint Commissioner for the ensuing year that you will consider your appointment an opportunity to serve and not merely a disagreeable chore to be performed.

The report of the Junior Bar Section was presented by Mr. William N. Ethridge, Jr., of Jackson.

REPORT OF THE JUNIOR BAR SECTION

The Junior Bar Section is a standing Committee of the Mississippi State Bar, and includes all members of the State Bar who are thirty-six years of age and under. It has just completed its first full post-war year of activity. Most of its members have returned from war duties to civilian status within the past twelve to eighteen months.

For the past year the members of the Section have worked on an active program. The following are pertinent facts with reference to the present status of the Junior Bar Section and its program and activities for the past year:

PERSONNEL :

The section now has more than four hundred members, most of whom are veterans of World War II. To carry on its work numerous Committees have been serving for the past year, and active participation in the program of the Section has been given by many men and women.

COMMITTEE ON STANDARDS FOR ADMISSION TO THE BAR:

Under the Chairmanship of Charles Tindall, Jr., of Greenville, Mississippi, this Committee has made a detailed factual study of the standards for admission to the Bar in all of the states of the Union, and a study of standards for law schools in other states. It has worked closely with the Committee of the Senior Bar, and will make today a joint report with the latter Committee and certain recommendations based thereon.

COMMITTEE ON CIVIL AND CRIMINAL PROCEDURE:

Under the Chairmanship of William C. Keady of Greenville this Committee has devoted its time and work to the question of procedure in our civil courts, and will present today to you a joint report with the Procedural Reform Committee of the Senior Bar.

CODE AND STUDY COMMITTEE:

This group with L. A. Wyatt of Jackson as Chairman has given considerable attention to a study of inaccuracies, omissions, and conflicts in our Code law, and has circularized the membership of the State Bar for suggestions on such inaccuracies. It will present to the Legislature its findings on these matters.

COMMITTEE ON PUBLIC RELATIONS AND INFORMATION:

Under the Chairmanship of Charles D. Fair of Louisville this Committee has endeavored to cooperate with the Public Information Program of the American Bar Association, which is directed in Mississippi by George H. Butler, Jr., of Jackson. It recommended that its program be continued in order to create mutual understanding between the public and the lawyer, and to acquaint the public with the legal profession, and the value of professional legal services.

COMMITTEE ON COOPERATION WITH THE AMERICAN LAW INSTITUTE:

This Committee, of which Huey B. Howerton, Jr., of Oxford is Chairman, has given considerable attention and work toward completing the Mississippi annotations on the Restatement of the Law of Torts. It is endeavoring to bring up-to-date these Mississippi annotations.

COMMITTEE ON COOPERATION WITH YOUNG LAWYERS AND LAW STUDENTS:

This Committee under the Chairmanship of Richard E. Stratton, III, of Brookhaven, has endeavored to encourage a better understanding by law students of Bar Association work. The present Section Chairman, as a representative of that Committee, made an address last December to the Ole Miss law school students on this subject, and observed considerable interest by them in their opportunities for service in the Bar Association.

COMMITTEE IN AID OF THE SMALL LITIGANT:

Under the Chairmanship of W. H. Jolly of Columbus, this Committee has made a study of our Justice of the Peace courts, of possible means of reducing costs of litigation therein, and of certain proposals directed toward controlling the activities of so-called "loan sharks."

COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW:

This group with Charles R. Galloway of Gulfport as Chairman, is endeavoring to obtain an opinion from the Attorney General to Circuit and Chancery Clerks and real estate agents with reference to widely practiced forms of unauthorized practice of law.

LEGISLATIVE COMMITTEE:

With Alton Massey of Kosciusko as Chairman, this Committee has cooperated with the Code and Study Committee and the Civil Procedure Committee in their work, and stands ready to assist in any legislative duties which may be approved by the State Bar.

CIVIL RIGHTS COMMITTEE:

Under the Chairmanship of Joe Daniels of Jackson, this Committee has made a factual study of the decisions of the Mississippi Supreme Court in which civil rights were involved, and has held itself ready to assure those rights to every citizen.

VETERANS ADVISORY COMMITTEE:

Under the Chairmanship of William Sudduth of Jackson, this Committee has obtained factual information for veterans, and has vigorously, although unsuccessfully, presented the lawyer-veteran ideas on the ruling of the Veterans Administration with reference to on-the-job training.

COMMITTEE ON ADMINISTRATIVE LAW:

This Committee, of which John M. Kuykendall, Jr. of Jackson is Chairman, has made an excellent factual study of the state administrative agencies in Mississippi, and finds that there are one hundred of them, most of which have no statutorily defined powers, and no statutorily imposed obligations to grant hearings and appeals. This group has recommended the creation of an administrative commission to make a further study of the multifarious administrative agencies in this state, and suggests that a compilation of the rules and regulations of such Boards in a State Register would be highly desirable.

FINANCES:

At the Convention in Jackson last year the State Bar made an appropriation for the Junior Bar Section of $300.00 for the fiscal year 1946-1947. This was a larger appropriation than had previously been allotted, and has been of considerable assistance in facilitating the Section's program. A detailed report of the expenditures under this appropriation has been made to the Budget Committee of the State Bar, but in brief the funds were used: (1) for mimeographing Committee studies and reports, and mailing costs therefore, and (2) for expenses of Committee members for attending Committee meetings. The latter item was kept rigidly on the basis of minimum mileage and expense allowances for meetings of the Commissioners. Since Committee work is the core of any public organization, we believe that the work and results of the Section's Committees more than justify the last year's appropriation. It was not large enough, however, to cover expenses for several committee meetings, and inability to obtain a supplemental appropriation necessitated the cancellation of some Committee work. In view of the annual contribution of approximately $2,000.00 in dues by Section members, and the work of the younger members of the Bar as a whole, we believe that a somewhat increased appropriation for the Junior Bar Section for the coming year is necessary, and that the State Bar receives more tangible results per dollar expended through the efforts and activities of its younger members than in any other way.

NEW OFFICERS AND YESTERDAY'S CONVENTION:

At the meeting yesterday James Eaton of Gulfport was elected Chairman, and George Woodliff of Jackson was elected Vice Chairman of the Junior Bar Section for the coming year. Arlington Jones of Hattiesburg is the Section's nominee for Second Vice-President of the State Bar, an office filled by long standing custom by a member of the Junior Bar. At the Section's meeting last night Honorable James D. Fellers of Oklahoma City, who is National Chairman of the Junior Bar Conference of the American Bar Association, addressed the Section on "The Young Lawyer, His Opportunities and Obligations."

RECOMMENDATIONS:

The outgoing Chairman took office in the Section's first full period of activity since the war. Organization was needed, and precedent meant little. From experience, I would like to make a few recommendations.

1. The Section should have its own Finance Committee, which should work closely with the Chairman and Vice Chairman in preparing its budget requests, and should further work closely with the Finance Committee of the State Bar.

2. A monthly mimeographed bulletin of the Junior Bar Section would help to coordinate its activities, to keep the membership up-to-date, and to interchange ideas among the members of the Junior Bar Section. Such a publication is almost essential to an efficient functioning of the Section.

3. A few of the Section Committees of the past year should probably be continued with at least some of the same membership. This would make available to those Committees, where considerable work and study has been had, the experience and knowledge which has already been obtained.

4. There should be some continuity of policy in the Junior Bar Section. In the past this has not been the case. Each succeeding Chairman has made a fairly clean break with the preceding year's program. A method of obtaining continuity is difficult to find. Much time is spent by each new Chairman in establishing an organization to carry on the work of the Section. An amendment to the By-Laws of the Section, so as to provide for automatic succession to the Chairmanship by the Vice Chairman might be the solution. Such an amendment would simply make a past custom an established procedure. The new Chairman and Executive Committee of the Section should study this problem with a view toward recommending changes in the Section's By-Laws.

5. I have been handicapped in appointing Committees and in conducting other work of the Section by not having a complete and accurate roster of all members of the Junior Bar Section. An up-to-date roster of the complete membership of the Section (separate from that of the State Bar as a whole) should be prepared and distributed among the membership of the Section.

In closing I would like to express my sincere appreciation to the Officers and Committees of the State Bar and of the Junior Bar Section, for their generous cooperation, assistance and work in conducting the above outlined program for the past year.

The report of the Committee on Procedural Reform Studies was postponed until the afternoon session, and the meeting was recessed.

AFTERNOON SESSION, JUNE 27, 1947

President Stovall called the meeting to order, after which he introduced Mr. Frank E. Everett, Jr., of Vicksburg, who addressed the convention.

ADDRESS OF FRANK E. EVERETT, JR.

Mr. President, Ladies and Gentlemen, there is nothing in my private or professional life which can justify this honor which has come to me nor the anxiety and pain which I have felt in the anticipation of addressing so distinguished a gathering.

When I received the telegram from our President he expressed the compliance with the by-laws of the association. Also, in a ten-word telegram he mentioned twenty minutes three times. Not one to overlook a hint so delicately placed, certainly I will abide by this edict. It came like a flashing railroad signal which I certainly can not ignore.

Thinking of that signal, I remember a letter which was written by my very first law partner, the distinguished A. F. Gardiner, whom some of you will remember most kindly. He was one of the lawyers of the old school. He loved to battle. He was a master of the lance and yet his favorite weapon was a broad axe at close quarters and a knock-down drag-out battle. He was for a long number of years General Counsel for the Columbus and Greenville Railroad which goes across our state from Columbus to Greenville. There was a particularly annoying series of actions which had been filed against that local railroad and it began to annoy Mr. Gardiner a great deal. So he was confronted with this thing of the whistle not blowing and the bell not ringing as it approached the public crossings. It is a strange thing about railroad locomotives. They are a very peculiar piece of mechanism. With all the expense that it takes to build one and construct one they can run through the fields and through the quiet hours of the night and split the air with their screams and their warning signals. And as they go through the quiet plains you can hear them for miles and miles over the countryside. And as you ride down the highways you are suddenly met with them by the side of the highways and they blow and they ring the bell and the make all kinds of noise. And yet, going through a crowded thoroughfare with hundreds of people all around and across the public crossings they are as silent as a tomb and everybody will swear that there wasn't a signal. There wasn't a bell. There wasn't a sound and it slipped up as a treacherous villain and took the life and injured the life and limb without any cause or justification whatsoever. A strange

thing, these locomotives. Mr. Gardiner was confronted with that thing for a long time and he sat down and dictated a letter to our President's father, who was the president of that railroad. He said: "Dear Stovall: You may not like what I am going to write but the longer you think about it the better you will like the idea. My suggestion is put a bell out on front of that locomotive, every locomotive that the railroad owns, and put an automatic ringer on it and have it inspected when it leaves Columbus, have it inspected when it reaches Greenville by experts who know what they are doing, and ring the damn thing all the way from Columbus to Greenville and back." So I am going to abide by the warning signals that have been given to me.

I want to talk to us briefly about some of the things that are on the hearts of most of us lawyers and are important to most of us lawyers and citizens of this great commonwealth. I want you to picture in your minds a very distinguished lawyer—suave, educated, and a man who was a deep student of government as he presented to our Constitutional Convention on behalf of the committee on style the Constitution of our great nation. Nothing like it has ever been equalled in its simple dignity and force and eloquence. And as Governor Morris read the first completed document to the convention which was finally to adopt it, he began it this way: "WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." No grander words were ever spoken. No series of sentences or clauses have ever meant more to us than those spoken in the introduction of our constitution to that assembly.

Now, I want to talk about the first clause of it for a few minutes. "WE THE PEOPLE of the United States." One of the great historians of the world, Lord Macauley, said of our constitution, "Your constitution is all sail and no anchor." And yet it was for another great Englishman to provide the answer to Lord Macauley's statement and to emphasize what really was and what really is and what always will be the only anchor of our constitution. He said, "But one condition of your success, your sole safeguard, is the moral worth and the intellectual clearness of the individual citizen." That, gentlemen, is the real anchor of all of our rights, of all of our hopes, of all of our past. It is our life. "The moral worth and the intellectual clearness of the individual citizen."

Why is that so important to us today? It doesn't take a prophet to tell you gentlemen who have so keenly observed the current events. Within the past year there has come to pass a series of events designed to choke off fuel, to destroy the production and the grinding mills that were trying to put this great country back on its feet, to limit and to utterly paralyze us for lack of communications. Those things have come to pass in the past year. They were not aimed at employers. They were not aimed at anything or anybody, but they were aimed, primarily and without question or doubt, at "WE THE PEOPLE of the United States." For this purpose and for this reason, that by depriving "WE

THE PEOPLE" of these necessities of life, by depriving us and closing down and grinding to a stop, the great effort, the very great effort that "WE THE PEOPLE" were making to readjust ourselves after this great war and by depriving us of the ease of communication with each other that would so paralyze the country and so irritate the people that "WE THE PEOPLE" would cry out in our weakness and say, "Let them have what they will. We will not do without these necessities or these luxuries or these things that we are being deprived of."

Fortunately for us, the reaction was somewhat different. "WE THE PEOPLE" of this great country stood our ground and "WE THE PEOPLE" rather than demanding that something be done to restore these things began to direct our energies in another way and to suffer and to let the mills close down and let the wheels grind to a stop and let ourselves be paralyzed for lack of communication and suffer without crying out and without in our weakness saying that we must have these things at any price. "WE THE PEOPLE" did not do and take such a step. On the other hand, "WE THE PEOPLE" cried out to the leaders of our great nation and said, "This thing must be stopped and we are willing to stay in until it is stopped and a showdown is had." And a showdown was had.

There are others who are looking at this country of ours from behind their iron curtains on distant shores. Yes, they are looking. They are seeing the eyes of our diplomats and our statesmen. They are hearing their words. They are looking beyond the eyes of our men of public life. They are listening beyond what they hear in their words. They are really looking and really estimating and really wanting to know just how far they can go with "WE THE PEOPLE of the United States."

There was a man of recent years, a beagle-eyed fellow, who also made an estimate of how the people of our nation would react to his aggression. And though he saw some rotten spots on the outside, he considered it to be rotten to the core and so he launched his campaign of hate and savagery upon the world and he is now no longer with us or among us. It was a miscalculation of the real heart and the real character of our people to this great country. Nobody considered that we were willing to go down to the real sacrifices that were made.

There are others who are estimating in the same cool, anxious way to know just how the people of our country feel. Ask a man who has been to Europe or been to Japan or been to China. The first thing you want to know when you see a man return from those shores, "We know what is said in the press. We know what is said by certain leaders, but how do the people feel?" And when Uncle Sam has held up his hand and said to those who would be aggressive against our nation, "It is time to stop. We have had enough and we won't put up with any more." The only answer and the only thing that will make any impact on the minds of those who would look in our direction is the real, sincere expression of the people of the United States that they have had enough, that they will not tolerate anymore. And the people

of this great country mean that about further aggression, that we will not stand for it and that we will stand with all we hold dear and with all of our might and strength to oppose any attitude on the part of any nation to run over and to impose its inflexible will upon the world. "WE THE PEOPLE of the United States" are the ones who are on trial.

And now let me pass from the hunter to the hunted, as a member of the Bar Association. "WE THE PEOPLE" are interested in what is going on here today as evidenced by the fact that members of our press are here, not to send the word to fellow lawyers back home who couldn't come, not to just spread the news and record that a meeting down here on the shores of Biloxi did take place. That isn't the reason. The people of our state and our commonwealth are interested in what goes on here. They want to hear. They are anxious to know what the lawyers of the state are going to do about some of the vital matters that are before them. And there are two things that I think are vital and that are important to us as lawyers and to us in our duties and responsibilities to that great public and the people of the great commonwealth of Mississippi.

Not long ago I received a printed card from one of our fellow lawyers from a distant state advertising his new facilities for the obtaining of Mexican divorces. I am sure many of you received that same card. He was setting out for business in a big way.

Only a few days ago I read of one of the fine public prosecutors of our country who initiated action against one of our public enemies and who had first filed the original affidavit and the original charge against that one. I read in the paper where he now was engaged in defending that same one from the same charge and the same kind of a charge that was originally put against him by himself. I wonder what the public thought of that. I know what my reaction was. I began to think that perhaps somebody had sold out down the line. I am sure the public began to think and to wonder how this man who was the champion first of all of the state now turned to be opposed to the very thing he had initiated.

I have on my desk—it was presented there day before yesterday—a contract drawn by one of the fellow members of my profession. It is as patently black with usury as the face of its unfortunate victim.

There are many rotten apples among the barrel of our profession and we need not hide our faces to that extent. There are practicing among us and with us those who are not really the kind of men that we would have as our fellow lawyers. And we know it and we recognize it and we see it and we lawyers are not the only ones who know it. The public knows it generally and they see us sit by and let them get by with it day after day without denouncing them from the housetops and without any action on our part that would tend to decrease their unrestrained efforts regardless of the means that are used. Now we know these things exist. And there is no need of us trying to hide those things from ourselves or from anybody else.

"WE THE PEOPLE" of this commonwealth are wondering about the honorable profession of the law. It has become something of a joke by many and those who come to our offices come with a little bit of a question mark regardless of who you are or how long you have been practicing or what you are. Because of the rotten apples in our barrel the whole barrel is being contaminated and has a taint. And the public has that in its mind. And it is up to the lawyers of our state—it is up to us—to rise up in indignation at some of the practices that we know exist that are against the ethics of our profession, that are trespasses upon the rights of the real people in determining their law suits fairly and justly and in a fair and impartial tribunal. "WE THE PEOPLE" are wondering about the honorable profession of the law.

The other day I attended a funeral. Yes, it was virtually a funeral. Maybe many of you have experienced the same thing. I think it is generally, although with some specific exceptions, true that the same corpse has been buried about every two or three months with the same kind of ceremony. I went to Circuit Court. The procedure ran about like this. The opening inscription or the opening words in the burial of the corpse was the reading of the docket. About the first third of the cases were names of people whom most of us had forgotten, many of whom had died and they still continued to be passed along on our docket. Some were there six years ago I know, and some have been there ten years or more. And so we went through the process of calling the first third, perhaps, of the docket and not much was said. A few announcements were made that it would be necessary to redraft the papers to suit different parties. But the controversy had been gone and forgotten and there wasn't anything else in it except who was going to have to pay the costs and that was the limit of the rosta. It had died a death on the docket on our court.

We went on down the line and the procedure started something like this as certain cases were called which had been there for some time and nothing was said. "The case of John Doe vs. Richard Roe." Silence in the court room. Finally the Court in an effort to get some kind of response said, "Attorney so and so represents the plaintiff in this case. What says the plaintiff?" That attorney, as if shot with a rifle, comes to his feet. And do you know, you talk about charm, you don't need to look in Hollywood for it but you chuck a lawyer with a surprise and he can turn on more charm in about one minute than all the actors in Hollywood can in a life time. And so the distinguished barrister rises and says, "Your Honor, would you call that case again and let me refresh my mind about it?" And so the case was called again. "Yes, I had momentarily, your Honor, forgotten about that case. Will you pass it while I look into it and let me make a report on that to you, your Honor? I am anxious to get this thing moving along." That thing happened.

It goes along and here comes another one. One party is ready to go. The other lawyer knows no reason why it can't go. All the witnesses are there. "But, your Honor, there is a man, my associate in this case from Cocomo had to go to the Elks convention in Seattle and he will not be back until sometime in about maybe six weeks or more.

Would you please pass that case until I can get in touch with my associate counsel?"

Now, gentlemen, we know those things happen, and there isn't anybody who can bear on their backs that monkey for the cluttering up of our judicial procedure worse than the lawyers at the bar and we may as well first recognize that that thing is on us and that we are responsible for it and an indifference in the trial of our cases, a lack of preparation, and a delay that is choking out any desire on the part of the public anywhere to come in and litigate their cases. It takes so long.

And a man comes into your office, a client who is ready and red hot to litigate a thing and to have it out and get a decision on it. It means much to him in his business. It means much to him in the way of establishing a right when he thinks that he has been wronged. "How long will it take me to get this thing decided?" And we stroke our chins, "Well, Joe, we will be lucky if we get this thing done in a year's time." My, my, my, what an answer to give to a business man who is trying to decide and has a red hot problem in his business.

And that kind of thing, gentlemen, is causing our public, "WE THE PEOPLE," if you please, to wonder about the learned profession of the law. So in our deliberations here there is much of promise. There is much here that we can do and that we must do. We cannot afford to come here to Biloxi and meet and have a good time and resolute a little bit and then go back home. We have work to do to reestablish ourselves with "WE THE PEOPLE" and we need not fool ourselves that "WE THE PEOPLE" are not wise to us because they are, and the only way that they will get their confidence back is the kind of behavior and the kind of action that they like to see in their courts of justice, the kind of action that they like to see out of their lawyers, the kind of integrity that we cherish and revere so much in the members of our profession. For "WE THE PEOPLE" are yet the anchor of this great nation and our sole safeguard. And our clients, our constituents, and we as the body politic of this nation have stiffened our backs and the people of this commonwealth will stiffen theirs and are demanding that we receive and that they receive a value for their interest in us and that we merit the confidence that they have placed in us.

The report of the Committee on Procedural Reform Studies was presented by Mr. Robert Burns, Jr. of Jackson. Other members of the Committee were: Fred B. Smith, Ross R. Barnett, Gerard H. Brandon, Rufus Creekmore, Frank E. Everett, and J. Kearney Travis. Junior Bar members: Everette E. Truly, Henry E. Barkesdale, James T. Kendall, George M. Ethridge, Jr., Tyler Holmes, David Cottrell, W. W. Dent, Dan M. Russell, Jr., and James Eaton.

REPORT OF THE COMMITTEE ON PROCEDURAL REFORM STUDIES

Mr. President, I want to place the offer and move the adoption of a resolution in support of the approval of the report I am now about to read on behalf of these committees and when I have finished with

that report if I procure a second to that resolution I would like to see this convention adopt it.

Now, ladies and gentlemen, this is the joint report of our Committee on Procedural Reform Studies of both your Senior Bar and of your Junior Bar Sections. I don't like to read the report, and I don't like to read, but I think that this is a matter of some importance. I am going to try to read rapidly. I think it is better to read the report to you than it is to undertake to explain what I mean:

The Committees of the Mississippi State Bar and the Junior Bar Section thereof, appointed to study the matter of Civil Procedure, respectfully submit the following joint report to both the State Bar and to the Junior Bar Section, recommending your careful consideration and approval of the proposal and recommendations herein made.

The two Committees were appointed respectively by the President of the State Bar and by the Chairman of the Junior Bar Section. Several members of each of these Committees have been familiar with the efforts in the State of Mississippi to procure revisions in the procedure in civil cases in the past. The subject was not new to the membership of the Committees, and it was thought best that the two Commitees collaborate and present a joint report, rather than attempting to prepare and submit separate reports. The Committees held a joint meeting in May and thoroughly explored both the need of improving, modernizing and expediting the trial of civil cases, and the best means to accomplish that end. The obsolescent and cumbersome procedure under which our courts try civil cases, with the resulting delays, annoyances and injustices worked upon litigants, constitute an evil which is recognized by all. The Committees restricted their considerations to the need and methods of improving the adjective law in the trial of civil cases only, as it was felt that the field of criminal law rests upon different foundations and traditions and should be given separate treatment rather than being considered along with the matter of civil procedure.

We desire to point out that, apart from the 1924 Chancery Practice Act, there has been no substantial change in the method of trying suits in the Chancery Courts of the State for many years, and the methods pursued in the Circuit Courts in the matter of pleading, practice and procedure, are even more outmoded. It is felt that there is a real need for improvement in the trial of cases in both the Chancery and Circuit Courts, as well as County Courts, from the standpoint of assuring to litigants a more expeditious, less expensive, and more equitable system of adjudicating lawsuits. Under the present system, inexcusable delays and slowness in bringing controversies to trial, the waste of litigant's and juror's time in attendance at courts during stages wherein preliminary matters are being settled or decided upon, the opportunities for surprise which are permitted under existing pleading and procedure and the injustices resulting therefrom, the waste of time and money in producing proof of matters about which there is no real controversy—all of these and other well known criticisms which are directed at the bench and bar, on account of the system of procedure

existing in our State, constitute, in our opinion, a well deserved indictment and are a challenge to the lawyers to become more alive to their responsibility to the public for making the courts satisfactory media for the settling of disputes and controversies. In Mississippi, the overhauling and modernizing of rules of civil procedure are long overdue and we feel that it is one of the most pressing and vital problems affecting the administration of justice in our courts. It is a well known fact that most of the criticism directed at our courts is not at the decision or disposition of a particular case, or cases, but at the method, manner and means by which the court and lawyers act so slowly towards the achieving of a final disposition. Several practical consequences flow from the public attitude which is presently entertained about the courts of our State. In the first place, substantial citizens do not care to serve on juries which are kept waiting without duties to perform for an inexcusable length of time, during which the attorneys and the court are preoccupied with matters which should have been disposed of preliminarily. The slowness of our courts tends to discourage their use by parties who would like to submit an issue quickly and easily to an impartial tribunal. Then too, lawyers themselves, under present rules of procedure and pleading, often are in the position of not knowing in advance what are the really controlling issues of fact and, thus being deprived of such knowledge, may not be able to present their cases in the manner consistent with the highest and best professional skill which is owing to the client. It is our opinion that the public and litigants do not desire that courts be a forum in which technicalities, surprise, and procedural cleverness carry a premium, while the substantial justice of the case may go unnoticed and disregarded. The aim of procedural pleading and practice is to provide a just way in which justice is to be secured. If this be so, there can be no condonation or defense of ancient and outmoded rules of pleading, practice and procedure which serve to deter rather than to promote the ends of justice.

For several years past, there has been a growing sentiment among the lawyers and judges of our State in favor of more progressive rules of civil procedure. This trend is in accord with the Bar Associations and courts of other States throughout the union, many of which during the past fifteen years have caused, through appropriate legislation in their respective States, the adoption of more modern, satisfactory and progressive systems of procedure for the trial of civil cases. It should be noted that in some of the States, such as Florida, a traditional separation of law and equity jurisdiction, as exists in Mississippi, has not detered the securing of more modern rules of procedure. It is our opinion that the constitutional separation of law and equity jurisdiction which exists in Mississippi does not militate in the slightest degree against the adoption of modern and progressive rules.

Our Committees have concluded that the most sensible, logical and proper way in which to approach the means by which rules of civil procedure should be secured for the courts of this State, is to request the Legislature to enact a statute which would vest in the Supreme Court of the State the power to make and prescribe, from time to time, general

rules of pleading, pratcice, writs, process and procedure in the trial of civil cases in the Chancery, Circuit and County Courts of the State. The idea of giving to the Supreme Court a continuing power to prescribe rules for the trial of civil cases in the trial courts contains great merit and can be sustained as being right for the following reasons:

(1) The power to make rules of procedure, according to all the authorities, was originally and inherently in the common law courts, and so far as this country is concerned, the field was abdicated by the courts only in the face of widespread legislative enactments which sought to regulate and control the methods by which lawsuits were to be tried. Traditionally the courts were regarded as the proper source of making rules for the government of their own proceedings.

(2) The Supreme Court of Mississippi, being our court of last resort and as such charged with the responsibility of finally deciding the substantive rights of our citizens, is the proper authority also to determine the rules under which such substantive rights are to be decided. For many years, the personnel of our Supreme Court has been of the highest caliber, and the record of its work is outstanding. Nobody could see more keenly, or know more intimately, the problems of civil procedure with the attendant evils and injustices which can flow from an abuse of rules on the one hand, or the symmetry, harmony and equity of properly applied rules of procedure on the other.

(3) The Legislature is essentially a body of laymen, and to continue to ask the Legislature to control and regulate the trial of civil cases—which are the work of professionally trained judges and lawyers—is something akin to the notion that a layman is competent to advise a physician or surgeon as to how to perform an operation. It is highly difficult, if not in fact impossible, to achieve by direct legislative enactment a general and comprehensive improvement and modernization of our rules of civil procedure which would contain harmony, symmetry and a balance of advantage as between plaintiff and defendant. The trend in other states increasingly is for the state legislature to place the duty and responsibility of rule making power with the courts, where it rightfully belongs.

Accordingly we have discussed the practical questions which would arise in the drafting of a proposal to bestow rule making power upon the Mississippi Supreme Court, and we have endeavored to insert in our proposal, a copy of which is herewith attached, provisions which would safeguard the Court, the Bar Association, and the Legislature, and which recognize the proper interest of each group on the matter. It is thought that if the Supreme Court had the benefit of the collective thinking of representative lawyers and trial judges selected from throughout the State, the task of the court would be rendered easier and its work directed along lines which are responsive to the needs felt and known to exist by practicing lawyers and trial judges. Hence, we recommend that the proposed statute create an Advisory Committee, composed of fifteen practicing attorneys and trial judges and chancellors, the attorneys to be appointed by joint action of the President of the State Bar and the

Chairman of the Junior Bar Section, subject to confirmation by the Commissioners of the State Bar, and the trial judges and chancellors to be appointed by the Supreme Court, and added to this group would be five outstanding citizens of the State, who are not members of the Bar, to be named by the Governor, and whose function on the Committee would be that of bringing and interpreting the public needs to the balance of the Committee in the matter of modernizing our court machinery. This Advisory Committee, consisting of twenty members as above set forth, would study the necessary and desired changes and on a majority vote tender the results of their thinking and their proposals to the Supreme Court which would have the power to accept, modify or reject the proposals, or any of them. The rules of civil procedure thus approved by the Supreme Court would be submitted to the next ensuing session of the Legislature for consideration by that body, and unless the Legislature acted affirmatively to reject or change the proposals as thus submitted, the rules would have the force and effect of law at the end of six months from the date of final adjournment of such session of the Legislature. The rules thus promulgated and approved by the Supreme Court and as the same may be left unchanged by the Legislature would be incorporated in the session laws of the Legislature and would, on and after the effective date thereof, have the force and effect as law, and all statutes in conflict therewith would be repealed.

This proposal for granting rule making power as above set forth and as incorporated in the proposed bill herewith tendered is easy of understanding, and, in the judgment of your Committees, provides an effective, practical and continuing method whereby the rules of pleading, practice and procedure in civil cases in this state will be placed, and thereafter kept, on a sound, sensible and progressive basis. The proposed statute may not be perfect in all respects, and may not be exactly what many individual members of the Committees or of the State Bar would propose. However, it does give full recognition to the Legislature in the exercise of its power and authority, both in the enactment of the original statute and in the actual consideration of the rules themselves as submitted to it by the Supreme Court. It gives the necessary power and authority to the Supreme Court and vests in it definite responsibility. It shares that responsibility with an Advisory Committee of trial judges and of experienced members of he Bar. It gives opportunity for expression of the layman's viewpoint. In fact, the proposal presents a fair chance for all parties concerned to give their views to the Advisory Committee, to the Supreme Court, and to the Legislature with the opportunity for careful study and sound action.

The members of your Committees realize the importance of fairness and justice in the formulation of these rules, so as not to tip the scales in favor of any party litigant or class of parties litigant.

Finally, your Committees feel that it is peculiarly the responsibility of the legal profession to see that the rules of practice and procedure in our courts meet the public need, that they be kept up to date and that they serve the ends of justice as swiftly and surely as possible. This responsibility is a public trust. Therefore, we ask your approval and

support of this proposal and that your support and assistance be continued during the consideration of this act by the Legislature and during the actual formulation of the rules by the Advisory Committee and the Supreme Court. We submit a proposal for definite action on your part.

We call attention to the fact that this is a unanimous report of both Committees, all seven members of the Senior Bar Committee and the ten members of the Committee of the Junior Bar Section joining therein.

MR. BURNS: Ladies and gentlemen, there isn't anything new about the proposal. Every member of this association is familiar with what the Congress did and the federal rules that have been adopted and in effect for a number of years. The Committees are not proposing the adoption of the federal rules. This simple proposal before you is not one you need one, two, or five years in which to consider. You have been considering something like it some ten years in this Bar Association.

There have been some changes suggested—one, that the terms of the Advisory Committee be staggered and one that the Supreme Court have more power. And so this statute may not be perfect, as I have said.

Now, ladies and gentlemen, I offer and move the adoption of the following resolution. I would like very quickly to read that resolution:

WHEREAS, The Committees of the Mississippi State Bar and of the Junior Bar Section thereof, appointed to study the matter of reforms in civil procedure in the courts of this state, have submitted to both the Junior Bar Section and to the Mississippi State Bar at their June meetings, 1947, both their report and recommendations; and,

WHEREAS, this report and recommendations have been duly presented to the Junior Bar Section of the Mississippi State Bar and has received its approval and has also been presented to the Commissioners of the Mississippi State Bar and has received their approval, and is now before the entire Bar at its regular June meeting for its consideration; and,

WHEREAS, this report discusses the longstanding need for reform and revision of the rules of practice and procedure in civil cases in the circuit, chancery and county courts of this state, and makes the definite recommendation that an act be passed by the Mississippi legislature vesting rule-making power in the Supreme Court of the State of Mississippi in this regard, to be exercised upon the advice of an advisory committee of judges, practicing attorneys of experience, and interested laymen, and the need for reform being recognized and it appearing that the passage of the statute recommended by said committees would be a sound, practical and fair way to bring about the reforms and to make the administration of justice in civil cases in the said courts more swift and certain in the interest of parties litigant and the general public:

THEREFORE, BE IT RESOLVED BY THE MISSISSIPPI STATE BAR in convention duly assembled at Biloxi, Mississippi in June, 1947 that the said report of the joint committees of the Mississippi State Bar and of

the Junior Bar Section be approved and that the Mississippi State Bar favors the enactment of the proposed bill submitted by said committees vesting in the Supreme Court of the State of Mississippi, with the aid and assistance of an advisory committee, the continuing power to formulate rules of pleading and practice in the circuit, chancery, and county courts of this state, which are then to be reported to the legislature at a regular session for its final action thereon.

BE IT FURTHER RESOLVED that the Mississippi State Bar and the members thereof lend their support to the passage of this proposed bill and the President of the Mississippi State Bar, cooperating with the Chairman of the Junior Bar Section thereof, be authorized to assign to a committee or committees of the Bar the specific task of properly presenting this measure to the legislature at its next regular session.

MR. BURNS: Unless requested I won't read the bill for this reason: I am trying to wind this up as quickly as I can. Your committees may be continued if you think that this is a sound proposal and if it is assigned to committees of the new administration and they desire to make some little changes not affecting the purpose and objective of this bill, like staggering the members of the committee or anything of that kind, I think it would meet with the approval of this Bar to do that. As a matter of fact, the legislature has the power to do that.

MR. KELLY of Vicksburg: Mr. President, the bill is not very long. I suggest it be read.

MR. BURNS: AN ACT VESTING IN THE SUPREME COURT OF MISSISSIPPI THE POWER TO PRESCRIBE FROM TIME TO TIME GENERAL RULES OF PLEADING, PRACTICE, WRITS, PROCESS AND PROCEDURE IN CIVIL CASES AT LAW AND IN EQUITY IN THE CHANCERY, CIRCUIT, AND COUNTY COURTS OF THIS STATE; AND PROVIDING FOR SUBMISSION OF THE RULES SO PRESCRIBED TO THE LEGISLATURE FOR REJECTION, MODIFICATION OR ADDITION THERETO.

SECTION 1. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That the Supreme Court of the State of Mississippi is hereby authorized to prescribe, from time to time, general rules of pleading, practice, writs, process and procedure with respect to proceedings in civil cases at law and in equity in the chancery, circuit and county courts of this state, but without abridging the substantive law, or of the right of trial by jury, and without affecting the respective jurisdictions of the aforesaid courts as the same now exist. And the said authority shall be subject to the further conditions and limitations hereinafter mentioned.

SECTION 2. The rules aforesaid must first be proposed and recommended by the Advisory Committee herein created or by a majority of the entire membership thereof. When so proposed and recommended, the Supreme Court may revise, amend, abridge and rearrange the rules so proposed and recommended, or may reject any proposed rule, but shall not prescribe any rule distinctly additional to those so proposed and recommended save with the approval of the Advisory Committee, or by a majority of the entire membership thereof first had and obtained.

SECTION 3. Said rules shall not take effect until they shall have been reported to the legislature by the filing of a copy thereof by the Chief Justice of the Supreme Court with the Secretary of the Senate and the Clerk of the House of Representatives at a regular session thereof, during which session the legislature may, by statutory enactment (1) reject any rule in its entirety, or (2) may

modify any rule, or (3) may enact additions thereto. Such rules as may have been so reported to the legislature at least thirty (30) days prior to the final adjournment thereof, together with any modifications and additions thereto made by it, except such rules as may be rejected by the legislature, shall, on the expiration of six (6) months after the final adjournment of the legislature, be consecutively grouped and published in and as part of, the session laws enacted at the said regular session.

SECTION 4. The Advisory Committee hereby created shall consist of twenty (20) members selected and appointed, each for a term of six (6) years, as follows: (1) Three circuit judges, two chancellors, and one county judge to be designated and appointed by the Supreme Court; (2) Nine attorneys-at-law of not less than five years experience as active and successful practitioners in the state or federal courts, three to be chosen from each of the Supreme Court districts of the state. The nine members of this group shall be designated and appointed by the President of the Mississippi State Bar and the Chairman of the Junior Section of the State Bar, acting jointly, subject however to confirmation or rejection by the Commissioners of the State Bar. (3) Five representative citizens of the state, not members of the bar, to be selected and appointed by the Governor. Vacancies among the members shall be filled by those authorized to make appointment in the particular group in which the vacancy occurs, the appointment to a vacancy to be for the unexpired term.

SECTION 5. The advisory Committee shall select its Chairman, Vice Chairman, and a Secretary, and may prescribe the duties of the Secretary and fix his compensation not to exceed fifty dollars ($50.00) per month, in addition to which he shall be allowed not exceeding twenty-five dollars ($25.00) per month for stenographer's hire. The Committee may adopt such rules, including the setting up of sub-committees, and for public hearings, as will best promote the efficiency and dispatch of its work. The Committee may provide for the printing of such reports or other documents as it shall deem necessary. The members of the Advisory Committee shall be reimbursed their traveling and maintenance expenses in attending the meetings of the Committee, these and the other expenses herein mentioned to be paid on requisitions approved by the Chairman and Secretary of the Committee, for which a sufficient appropriation shall be made by the legislature.

SECTION 6. This act shall take effect and be in force from and after its passage.

MR. BURNS: Now, this further and final word. I have called your attention to the fact that this proposal, though it might need here and there some perfecting, has been unanimously recommended by these two committees of seventeen men. It has been unanimously approved by your Junior Bar Section. It has been recommended, or something along the line of it has been recommended, by the Supreme Court and trial judges of this state not once but a number of times. It has been approved by your American Bar Committee—the members of the American Bar Association Committee living in Mississippi—on Procedural Reform.

A number of men have done fine work in connection with these proposals though it may not have been this exact bill. Bill Keady here served as Chairman of the Judicial Committee in the Senate when a bill was considered for some time in that body. With reference to criminal procedure in your courts, Phil Stone has given this matter careful study. Bill Ethridge, Chairman of the Junior Bar Section has done fine work on this thing, and our former President, Ross Barnett, went out over the state some two or three years ago and undertook to explain, sell, and do something about this idea, spending his own money and making a real effort and in my judgment a real contribution to this Bar and State. Through all these things I didn't find anybody that

wanted an unfair rule. I never found Mr. Barnett attempting to shove something in the picture that ought not to be there. I found these men willing to listen to what the fair thing would be.

I can't conceive, ladies and gentlemen, how this Bar could fail to approve this, and I don't think you will. I want to say that this is not a hopped up thing. We didn't hop on you this afternoon. This has been going around for months and years. You all know it. It seems a rather difficult thing for a member of this Bar to say, be he an old experienced practitioner or a young fledgling, that the Supreme Court of Mississippi with the advice and help of nine experienced lawyers of this very Bar and with the help of two chancellors, three circuit judges and a county judge and three or four good laymen can't give this matter some study over the necessary period of time, with my right and your right to contribute what we can, and can't improve to some extent the practice and procedure in the courts of Mississippi after they have been like they have for sixty or seventy years. We present to you, ladies and gentlemen, this resolution. And not only a resolution—we ask you to approve this report. We ask you to do something about it. Let's quit talking about it and do something about it.

Mr. Tubb of West Point: I second the motion of Mr. Burns for the adoption of the resolution and report of his committee.

Mr. Stovall: You have heard the motion and the second. Any discussion?

Mr. Hugh Wall of Brookhaven: Mr. President, Ladies and Gentlemen of the Mississippi Bar. It is somewhat embarrassing and perhaps I should apologize for speaking in opposition to a unanimous report of a committee. For your information, I am personally acquainted with every member of this committee and I have the highest regard for them. And like my good friend Bob Burns said, this is not new. I have been hearing this for forty years. But like our President said this morning, I am unwilling to denounce a principle for expediency. Certainly I am embarrassed to oppose such distinguished gentlemen. I have never yet made any opposition to any question that I couldn't give my reason for it. This is the first time in my life as a member of the Mississippi Bar, and I am a charter member, that I have spoken in opposition to any committee report, but this is a conviction with me.

This bill is not new at all. I am thoroughly acquainted with the bill. Part of this bill in my opinion is in violation of the spirit of the constitution. We are delegating to the Supreme Court of the State of Mississippi legislative power. That will be disputed. I say according to my construction of this bill its very start is dedicating to the Supreme Court of Mississippi the legislative power to make rules and regulations for the chancery and circuit courts of this state. I have implicit confidence in the Supreme Court we now have, and if I knew they would live a thousand years perhaps I wouldn't make this talk, but we don't know who will be on the Supreme Court fifteen years from now. And I wouldn't care who was on it; I would still oppose it. Now, then, my friends, someone will say the Supreme Court of the United States at the

suggestion of the American Bar Association formulated rules and regulations for the United States District Courts and Congress passed it. That is true, but I promise you now if I had been in Congress I would have voted against that. I want to ask each member of the Bar now, would you be willing for the Supreme Court of the United States in its present set-up to formulate rules and regulations for Mississippi courts? I know you wouldn't. I wouldn't either.

Ninety-nine percent of the resolution I agree with you about. I am not quarrelling with you about that. I helped to write that bill in Ross Barnett's committee. Bill Ethridge helped us write it. Several lawyers helped us to write it, embodying what you have here. I spent money and time and we got it through the House. I went before the Judiciary Committee with Ross Barnett and argued in favor of this bill. In my opinion, we were doing it in a legal way. In my opinion, we were doing it in an orderly way. We were not asking the Supreme Court to do it for us. Now, then, I stand in favor of procedure such as you have in your minds right now, but I am tee-totally opposed to delegating that authority to the Supreme Court of the State of Mississippi. Oh, I know you have all kinds of words in here after that, that it is subject to the approval of the legislature, it is subject to the approval of this committee, subject to this and that, but you go right back to the proposition. You are delegating legislative power to the Supreme Court of Mississippi.

I have confidence in my court like you do, but I am not going to agree to delegate them power belonging to the legislature. The legislature is the people's court. Why is it that we are afraid of the legislature? Why can't we go to the legislature with a bill without going all around the Supreme Court? It looks like it is the purpose of this resolution to do in there indirectly that which you cannot do directly. That is, delegating legislative power to the Supreme Court. But you go before the legislative body with the prestige of this great court behind it and the legislature perhaps would be pulled to do that. Therefore, you are robbing them of the initiative and the judgment which is theirs.

I guess I am in the minority but it never has bothered me one bit in the world. It is a principle with me and I wouldn't have discussed this at all were it not for my conviction of my duty to my state and my people. This resolution, I have heard it for twenty-five years in different language in bar association meetings, and I agree with you about those high principles. I would favor adopting 90% of the rules that apply today in Judge Mize's court. It is not a question of reform. It is a question of you indirectly delegating legislative power to the Supreme Court and I am opposed to it. I don't want anybody to get the idea I am opposed to the reforms. If you will eliminate leaving it to the Supreme Court I will vote for your resolution.

I don't fear this thing becoming a law. We have passed resolutions by the State Bar to my certain knowledge for forty years and if there has ever been one adopted by the state legislature I don't remember

it. Now, then, if you want it, let me suggest how you will get it. First thing is to hold your courts open all the time, (2) abolish pleas of general issue and make them answer, (3) provide for depositions, and (4) make your case triable in twenty days after answer is filed. There you have got it all and you didn't go through the Supreme Court. I say leave out the Supreme Court; give it to some strong man in the Senate and in the House on the Judiciary Committee and let it be his bill. You know human nature is funny. When you introduce this bill to the legislature some fellow that is opposed to it will say, "Wait a minute. That bunch of lawyers decided they would run us. Kill it. All in favor say aye." A million will say "aye." You can get your bill through if you will put it in the right hands. We got it through the House, Ross Barnett and I.

MR. KELLY: I don't suppose any member of this Bar has worked as earnestly as my friend Ross Barnett, myself, and some few others to do certain things which we believe would be an improvement over the present procedure. But I believe if you consider this bill among with the laws provided in the Constitution of the United States and the State of Mississippi you will conclude that this act shouldn't be passed in this way.

I have had enough trouble with the members of the Supreme Court already without new entanglements. And I leave it to the members of this Bar who have had experience with these stuff shirt commissions and these bureaus who have declared along this same line the personal privileges and property rights. In a proceeding like this you might consider where personal and property rights were destroyed by the edict and decision of a committee and an appeal was made and the injunctions were sustained when it got up to the Supreme Court. Then they said whereas, notwithstanding and nevertheless the jurisdiction is vested in the commission. I have had enough of that. I believe the members of this Bar have had enough of that. That is just along the same line of procedure, and I don't want any member or all the members of the Supreme Court to be vested with any authority to outline the law insofar as practice and procedure of the Mississippi Bar is concerned.

I stood with Ross Barnett and other members of a committee designated by authority of this Bar to go before the Senate and the House. We did get the approval of the committee of the House and also the committee of the Senate. And it would have been passed except for this: we couldn't get unanimous consent to raise it to the top of the calendar and the legislature adjourned before we got to it. Those bills embodied all and a darn sight more than is embodied in this act. Every member of the Supreme Court, I am proud to say, came before the committee and endorsed the bill that we presented by authority of this Bar.

Now, I just don't believe that there is any necessity of stepping aside and waiting for recommendations from the Supreme Court.

I don't know how many members are on this committee. I know in addition to the numerous others mentioned they have got five outsiders. Five members are not affiliated in any way with the Bar. It does occur to

me at least that is a useless adjunct, adding to a committee asking for practice and procedure to be outlined, five men who don't know a thing about it. I would sooner take the word and the suggestion of a member of the Mississippi Bar than the word of the average 80 or 90% of what they term the "business man."

Would you give me one minute to talk about what has been referred to as to the delay and all that. That is an indictment of the circuit or county judges. They can set the case down for trial and I don't care what kind of pretense is made by any attorney by reason of a continuance, a judge can set it down and if the party is entitled to a trial he will get it. Our procedure is good enough as it is. It has stood the test of the years. I don't believe there is any necessity whatsoever for approving this report and the resolution of this committee.

Mr. Keady of Greenville: Mr. President, Members of the Bar, it would appear that the opposition of the two distinguished attorneys who have just spoken has been based on the method and not the objective of the proposed reforms. I think they both stated they were in favor of reform and opposed to this method. I am sorry, indeed, my good friends, Mr. Bob Kelly and Hugh Wall with whom I have worked in the past on procedural matters, deem fit to differ with the judgment of the committee in that respect. I know their differences are honest.

Permit me to say this as one who served in the legislature five years, during all that time interested in civil procedural reform. I was on the House Judiciary Committee and later on the Senate Judiciary Committee. During those sessions of the legislature bills would come up, short bills dealing with simple matters, and they would be passed along. Bills dealing with complicated overhauling invariably were killed. There aren't many good lawyers in the legislature, but those lawyers in the legislature are for the most part preoccupied with non-judicial matters while they are there and they don't have the time, the calm judgment, and the ability to give concentrated attention to the problem of considering procedural problems. And, gentlemen, they are difficult. They are difficult to me. They were far more difficult to me as a member of the legislature than they are to me sitting back in my office being able to consider and analyze the problem and going into joint discussions with other lawyers.

I submit this. If you think the legislative route is the best way, as Messrs. Kelly and Wall say, it will be a generation in Mississippi before you bring your improved practice and procedure to the Bar. You can pass a bob-tail statute and in eight or ten years you will draft another and in a generation you may come around to the very thing we are proposing. Now, we feel our responsibility is somewhat to this generation that is with us now and to this generation of lawyers who are now knowing life and that the millennium is not to be postponed indefinitely as the legislature will postpone it. I say in answer to their argument that this method is not the proper one, gentlemen, from the legislative standpoint; in my humble judgment it is the only practical, effectual way you will get in Mississippi a comprehensive and a complete and a

fair revision of civil procedural rules. If you are opposed to civil procedural changes and if you are satisfied with the status quo you should not be for this proposal. If, on the other hand, you feel the time has come in Mississippi to keep in line with the best thinking on the subject, keep in step with other states, this is the way: accept and approve this bill bringing it about.

There is nothing unconstitutional, nothing of dynamite in this bill, which would draw its original rules from the body of lawyers and trial judges over the state. They would be tendered to the Supreme Court to make such changes as they see fit or reject all if it should see fit and then it is submitted to the legislature. They are the people's court. The legislature would have a chance to knock them out if they weren't good rules. It seems to me we have endeavored to use every restriction against any abuse of power or any abuse of rights and this proposal does give every group interested an opportunity to express themselves.

Slighting remarks were made that five members of the committee are layman. Yes, they are. Why should they not be? The contributions that some of the interested laymen of our state could make to other lawyers would be very worth while. They can talk and criticize. Taking those dissatisfactions, we could translate them into a proper form to be submitted to the Supreme Court. In this country there should not be and I am sure there is not any reason on the part of the Bar Associaion to feel the court is the property of the lawyers and judges. Rather, the courts are at the service of all the people and we the lawyers, as well as the courts, are simply officers and instrumentalities that serve the people. They have the right for their spokesmen to be present on this committee.

Gentlemen, I submit in conclusion we have brought before you a proposal which if passed will hail the new days of procedural reform in Mississippi. Our courts will move forward and each of us will be entitled to the just approval of the citizens of our state for our sponsoring this proposal.

Following the above discussion on the report of the Committee on Procedural Reform Studies the convention voted to adopt the resolution offered by Mr. Burns, supra page 516 in these proceedings.

The report of the Committee on Legal Education and Admissions was presented by Mr. Jerome Hafter of Greenville.

REPORT OF THE COMMITTEE ON LEGAL EDUCATION AND ADMISSIONS

Mr. President and Members of the Mississippi State Bar Association, I am happy to present this report because I believe that if it is adopted it will improve our association in every respect. This matter was first brought up in the Junior Bar Section and our President was requested to appoint a committee to work in conjunction with the Junior Bar. This report has been carefully studied. I want to say it is the result of fine work by the members of that Junior Bar Committee

who have given it unlimited time and able thought. I wish briefly to review pertinent facts that have been prepared before presenting the recommendations to you.

The Committee appointed by the Chairman of the Junior Bar Section to study the subjects of legal education and admissions to the Bar was charged with the duty of inquiring into the educational and other qualifications prerequisite to admission to the practice of law in the State of Mississippi. The Committee has made the investigations requested and herewith respectfully submits its report.

The first action of the Committee was to review the work of similar committees previously appointed within the Junior Bar Section. It was immediately found that no agreement had ever been reached by any committee as to what educational standards should be required for admission to the Bar; and the only specific recommendations heretofore reported to the Junior Bar Section dealt with changes in the composition of the Board of Bar Admissions. At the conventions of 1940 and 1941, proposals to strengthen that Board were considered, and in 1941 a resolution was approved by the Junior Bar instructing the committee then serving to submit at the next session of the Legislature a proposal to change the composition and terms of office of the Board. However, that action bore no fruit, for your Committee could find no evidence that the proposed act was ever submitted to the Legislature; and in any event, there was no subsequent change in the composition of the Board of Bar Admissions.

From these findings, the Committee concluded that it should make a thorough analysis and evaluation of the qualifications required for admission to the Bar in this State. The first step to that end was an examination of the qualifications now required for admission. Briefly stated, these qualifications are: The applicant should be a citizen of the United States and a resident of this State; above the age of twenty-one; shall have at least a high school education or its equivalent, and, unless he is a graduate of the University of Mississippi Law School, he shall pass an examination prepared by the Board of Bar Admissions covering the subjects enumerated in Section 8657 of the Mississippi Code of 1942. The applicant is required to submit with his application certificates by three responsible citizens, two of them members of the bar of the county of his residence, that he is of good moral character.

The Board of Bar Admissions consists of three members of the State Bar, one from each of the three Supreme Court districts of the State, appointed by the Governor for two-year terms. Applicants for admission are required to pay a fee of $10.00 each, which is divided equally between the members of the Board who attend and conduct the examination, after first paying all expenses necessarily incurred in conducting the examination. The members of the Board receive no other compensation than their respective shares of these fees.

With these facts before it, the Committee found that it was in complete accord with the conclusions of the report submitted to the Junior Bar Secion in 1940. A few of these conclusions are: That experience

has shown that the personnel of the Board is changed with practically every new administration; that there has been in the past a wide fluctuation in the percentages of those passing the Bar examination, an indication that the system is either as good or as bad as the members of the Board; that a member of the Board may be an outstanding lawyer and yet ill equipped to prepare comprehensive and reasonable examinations covering the required subjects.

The Board of Bar Admissions could be greatly strengthened by an amendment to the statute which would result in longer terms of office for its members, and it is felt that it would be particularly helpful to have the addition of representatives from the judiciary and from a law school faculty to insure more adequate and thorough examinations. The Committee wishes it understood that these observations are made without criticism of the men who have served and are serving on the Board; however, it is sincerely believed that the present system is not productive of best results.

Having in mind the qualifications presently required for admission to the practice of law in Mississippi, the Committee decided to compare these qualifications with those required in other states. The results of this comparison were impressive. First, as to *general* education, it was found: there are three states requiring a preliminary college degree or its equivalent before the prospective lawyer may commence his legal education; there are forty-two states requiring at least two years of preliminary education; three states require a preliminary high school education or its equivalent; there are three states that require no preliminary general education. Since this state requires a high school education or its equivalent, Mississippi must be classed as one of the six states having the lowest standards of general education preliminary to the practice of law. Second, as to *legal* education, it was found: There is one state that requires four years' study in an approved law school; twenty-nine states require three years' study in an approved law school, or four years in a non-approved law school, or four years of study in the office of an attorney; ten states require three years' study in a resident law school or in the office of an attorney; in seven of the forty states so far covered the applicant for admission must be a graduate of a law school approved by the American Bar Association. There are four states that require two years' study in a resident law school or in the office of a member of the bar. In one state, two years' study in the office of an attorney is required. Finally, in three states there is no requirement as to legal education except that the applicant pass a bar examination. Mississippi is one of these three states.

The foregoing are the most outstanding facts discovered when the standards of this state were compared with those of our sister states. The foregoing is but a portion of the factual data considered by the Committee on the subject of legal education, and all of the data examined by it led the Committee to conclude that Mississippi is one of the three or four lowest ranking states in the Union with respect to educational requirements prerequisite to admission to the practice of law.

A great deal of attention was given to what the Committee should recommend to the Junior Bar Section and the State Bar relative to educational standards for the practice of law in this State. The members of your Committee were unanimous in reaching a decision that the practice of law is deserving of the best talents and abilities that can be devoted to it, and that the public need requires, and the well being of the individual lawyer and his associates makes imperative, a raising of the conspicuously low standards now prevailing in this state for admission to the bar.

In the past, the recommendations of the Junior Bar Committees on Admission to the Bar have been submitted to, and were usually approved by, the Mississippi State Bar, but insofar as the Committee could determine, there has been until this year no committee from the entire State Bar dealing with the same subject. This year a request was made of President Stovall that a like committee be appointed from the state Bar to conduct a study in conjunction with your Committee. Such a committee was appointed under the Chairmanship of Honorable P. H. Eager, Jr., and we are pleased to report that his committee has covered the same ground and reached the same conclusions as your Committee. As the result of a joint meeting between the members of both committees, there were adopted joint recommendations which are submitted herewith to the Junior Bar Section, and on tomorrow will be submitted to the Mississippi State Bar.

It was the unanimous sentiment of the members of both Committees that raising of the standards as hereinafter recommended can be effected without working undue hardship on any future applicant for admission to the practice of law in this state. There is almost no person who, in this day, cannot secure for himself the preparatory and legal education recommended, and aside from that point, your Committee feels that the practice of law is so complicated and requires such learning that it will become increasingly difficult for the man or woman who is admitted to the bar in the future to serve adequately the interests of his clients without very thorough preparation. The practice of law has too frequently been regarded as a right rather than the privilege it is. We have long since required applicants for admission to the medical and other professions to have far higher educational requirements than those which the joint recommendations suggest.

Before deciding upon the recommendations to be submitted, both committees gave thought to the standards suggested by the American Bar Association and to what the Committee felt would be the most reasonable standards for this State. The recommendations finally agreed upon the somewhat lower than those suggested by the American Bar Association and are comparable to the minimum standards in over forty of our sister states, which, in itself, indicates to our minds their reasonableness.

Your Committee therefore respectfully submits for your consideration, the following recommendations:

1. That every person applying to take the bar examination be required to present to the Board of Bar Admissions satisfactory evidence that he has successfully completed two years college education in a school recognized and approved by the Junior College Accrediting Commission of Mississippi, or by the Southern Association of Colleges and Secondary Schools, or by some other recognized accrediting agency.

2. That every person applying to take the bar examination be required to present to the Board of Bar Admissions satisfactory evidence that he has successfully completed a course of legal study in a law school, whether in Mississippi or not, which meets the standards hereinbelow listed.

3. That each law school in the State of Mississippi be required to meet the following standards:

   A. It shall require its students to pursue a course of three years duration if they devote substantially all of their working time to their studies, and a longer course, equivalent in the number of working hours, if they devote only a part of their working time to their studies.

   B. It shall provide an adequate library available for the use of the students.

   C. It shall have among its teachers a sufficient number giving their entire time to the school to insure actual personal acquaintance and influence with the whole student body.

   D. It shall not be operated primarily as a commercial enterprise and the compensation of any officer or member of its teaching staff shall not depend directly on the number of students or on the fees received.

4. That it shall be the duty of the Board of Bar Admissions to determine whether or not a law school does meet the standards above listed in Paragraph 3, and that said Board be given whatever powers are necessary and incident to the carrying out of this duty.

5. That the composition of the Board of Bar Admissions shall be as follows:

   A. The Chief Justice of the Supreme Court of Mississippi or, in the event of his inability to serve, one Supreme Court Justice as designated by the Chief Justice.

   B. Three practicing attorneys selected and appointed by the Supreme Court of Mississippi for a term of three years by order duly entered on its minutes, one of said attorneys to be appointed from each of the three Supreme Court districts in the State. In the event of death of any of said practicing attorneys, or of his inability to serve, a successor shall be

selected and appointed by the Supreme Court of Mississippi to fill out his unexpired term.

C. The Dean of the University of Mississippi Law School, or, in the event of his inability to serve, a member of the University of Mississippi Law School faculty as designated by the Dean.

6. That each member of the Board of Bar Admissions, excepting the Chief Justice of the Supreme Court or his designee, be compensated for his work at the rate of $10.00 per day, plus any expenses incident to the proper performance of his duties, including traveling expenses. That all such expenses be paid by the Mississippi State Bar.

7. That the Secretary of Mississippi State Bar serve also as Secretary of the Board of Bar Admissions, and that the duties of such Secretary shall be as follows:

A. Dissemination of information as to the prerequisites which must be met prior to taking the bar examination.

B. Receiving and examining applications of persons desiring to take the bar examination.

C. Keeping on file all examination papers for at least five years after said examinations have been taken.

D. Keeping on file all information as to each applicant.

E. Keeping a record of all meetings and proceedings of the Board of Bar Admissions.

F. Receiving application fees.

G. Such other duties as the Board of Bar Admissions may determine.

8. That each person applying to take the bar examination be required to pay an application fee of $10.00 to the Secretary of the Board of Bar Admissions, and that all such fees be deposited to the credit of Mississippi State Bar.

9. That every person desiring admission to the bar, excepting those persons exempt by Sections 8660 and 9663 of the Mississippi Code of 1942, be required to take and pass the bar examination.

10. That an applicant who stands and fails his bar examination be required to wait a minimum period of one year before he becomes eligible to stand another examination. That an applicant who stands and fails his second bar examination be required to wait a minimum period of one year from the date of taking said second examination before he becomes eligible to stand another examination. That a person who stands and fails three bar examinations be required to wait a minimum period of three

years from the date of standing his last examination before he can become eligible to stand another bar examination.

11. That the Board of Bar Admissions be empowered to make all regulations necessary for the effective carrying out of the proposed objectives set forth above.

12. That a committee be appointed by the President of the Mississippi State Bar to draft appropriate legislation embodying the recommendations hereinbefore set forth; that said committee be further authorized to request the introduction of such legislation at the next regular session of the Mississippi Legislature; that this report be approvtd by the Mississippi State Bar and that a certified copy of such resolution be submitted to the Legislature in connection with said proposed legislation.

13. That such legislation as hereinbefore mentioned in Paragraph 12 above, shall not apply as to any bona fide students now enrolled in a law school in the State of Mississippi, provided they shall continuously pursue their course of study to a successful completion.

In conclusion, the Committee believes that the Mississippi State Bar should do everything in its power to increase its usefulness to the public and to acquire for itself in new measure the dignity to which the profession is entitled. It is the humble opinion of the members of your Committee that the adoption of the recommendations made will constitute a forward looking step toward that goal.

Gentlemen, I move the adoption of that report and those resolutions.

MR. TINDALL of Greenville: Mr. President I would like to second the motion.

MR. ETHRIDGE: We have heard the motion and the second thereof. Is there any discussion?

MR. JOHN SATTERFIELD of Jackson: I move there be striken from this sections one through four, section ten and section thirteen, and upon that motion I would like to discuss the motion to amend and the resolutions in general. Sections one through four, ten, and fourteen are included in my motion.

Ladies and gentlemen of the Bar, some eighteen years ago I graduated from the University of Mississippi. I completed seven years of formal education. It was nine years after I finished high school. That seven years of education cost my father $100.00. At that time I felt that if I was able to do that that any other boy who cared to practice law in Mississippi should be required to do the same thing. At that time I prepared and still have the notes for a talk to be made by one of our esteemed members before the association espousing a raising of the standards of formal education which were comparable with those which have been presented here this afternoon. Since then I have at-

tempted to practice law for eighteen years. I found in the practice of law it is not a qustion of the source of knowledge of an honest and capable man. It is not a question of whether it was acquired by the method of taking certain types of courses in schools for certain times. It is a question of honesty, integrity, and ability of a lawyer in the study of the profession which he espouses. The cause of his clients depends upon the legal knowledge, he may have, his integrity, his experience, and ability. I believe, gentlemen, you are going—with the thing you are trying to do here—to the source rather than to the existence of legal knowledge. I think that the provisions other than those to which the amendment refers are good. That we have three fine members of this association as members of the Board of Examiners. The dean of the University Law School would be excellent. And the Judge of the Supreme Court. Those men plus any other three outstanding members of this bar given proper facilities, funds, and resources would make an excellent board and they would have an excellent opportunity to raise the standards of the Bar in this state with which I am thoroughly in accord.

I have seen in the last eighteen years young men, just as honest, just as true as I try to be and far more capable and intelligent. I have seen them who because of personal situations, perhaps the death of a father, the necessity of supporting a mother or sister, would be unable to go for formal education for five years. I have seen them take the bar examinations. And I have seen them beat me in law suits. I think we should insist on legal knowledge but not on the sources of that knowledge, whether that shall be according to other states or whether it shall not be. At this time I know personally some twenty boys who were taken out of high school into the armed services. Those of us who had the opportunity of completing a great deal of formal education without serving in the armed services of the country, or completed it before we were called if we had the opportunity to serve, do we think we should take men who four or five years ago were taken from high school and who have just as much integrity as we have and that we should say to them, "For the last fifty years the standards of this profession have been based on integrity but now that you come along you shall not practice unless you take your wife and baby, unless you take them and go five long years to schools of education." I believe we should not.

I know there are rotten apples in the barrel. I have had the duty, with another attorney who was appointed by the President, to attempt to disbar a member of this association because of unethical practice. We should hold our standards high, but you are making the mistake of doing away with the freedom of those who are capable, honest, and willing to learn the law regardless of how they have to learn it to have the right to practice before the courts in this state. I earnestly urge you if you would adopt this resolution to adopt this amendment.

If that motion is adopted I would like to present a resolution that where at present every person is required to pay $10.00 that every person be charged $25.00 and that every applicant shall be required to file an application ninety days before the examination is held so that

this board might be given the facilities, money, and opportunity to thoroughly investigate every man or woman who cares to take the bar examinations. I believe with a set-up like that the objectives these gentlemen ask for and want will be reached. I don't suggest that these gentlemen who have suggested this have anything but the highest and finest motives, but for eighteen years I have had the opportunity of observing young men and they are mistaken in their method whereby they hope to obtain the same end I desire to obtain.

MR. ETHRIDGE: You have heard the motion to amend the committee's report. Did I hear a second?

MR. ROBERT HAUBERG of Jackson: I second the motion to amend.

MR. EARL WINGO of Hattiesburg: Ladies and Gentlemen, I am very much intersted in this resolution. I am primarily interested in the proposed amendment offered by John Satterfield. I have been attending our conventions for the last twenty-five years. Every three or four years, as I recall it, there has come before our conventoin this proposition of raising the standards of the educational requirements for admission to the Bar, raising it so as to require every young fellow having an ambition in his heart to be a member of our noble profession to first attend a university for at least two years. Each time I have opposed that, opposed it because had that been the law twenty-five years ago my own ambition would not have been realized. It doesn't affect me now after these twenty-five years, after these grey hairs. It wouldn't affect me, nor would it affect my two boys, one of whom is today in attendance at our great university at Oxford.

I am thinking, my fellow friends, of this great association. I am thinking of the fact that for eight years I have served, and with some sacrifice on my part, on the State Board of Bar Admissions. I have seen the time when my good friend W. F. Kelly and Tom Clark and I have met in Jackson and have given the examinations to five and six applicants each of whom put up only $10.00, which is all the law required and we would have to dig in our pockets and pay our expenses to give the examinations. Why didn't we quit? Uppermost in our hearts and minds was our responsibility to you gentlemen of this Bar. We were proud to make this sacrifice to you.

Ladies and gentlemen, in those eight years I have been on the board, I have looked into the faces of some four hundred ambitious boys and girls who for some reason best known to themselves didn't have the choice, the opportunity, or the privilege to attend our institutions of higher learning. Surely I couldn't argue against the wisdom of sending that boy or girl of yours to our great university if you can afford it, but don't, please, close the door of entry into our profession to the poor boys of our state. I am not concerned about how you change the persons of the board. It is of no consequence. Or raise the amount the candidate is required to pay. That is all right. But don't, please don't please, carry this resolution forward which will require the young boys and girls of Mississippi to attend college for two

years before they can have the opportunity to submit themselves as a candidate to the Bar.

For my part, I have given the best within me in those eight years to check carefully primarily the matter of the candidate's moral character. Statistics show that only 32% who either come out of the university or pass the bar examinations through the board, only 32% remain with the profession. There is something about a lawyer if he doesn't have it in him he can't make the grade. I have the faith to believe there is no occasion to close the doors to the poor boys of the state by requiring two years of college education before they can submit themselves as a candidate to become a member of our great and honorable profession. For this reason and because of these observations I second the motion of John Satterfield with respect to the original resolutions.

MR. TINDALL: Mr. Chairman, Members of the Mississippi State Bar, I served as Chairman of the Junior Bar Section Committee on Legal Education and Admissions to the Bar, and, naturally I have given a great deal of thought to just the very things these gentlemen have had in mind. I would like first to say this, that there is no desire on the part of any member of either committee to do anything to injure or prejudice the chances of any future aspirant to be a lawyer.

Your committee, however, deliberated long and carefully. I would like to say here that we could find no record in the proceedings of this organization where any committee had ever presented a full study of the question of educational requirements for admission to the Bar. In 1940 and '41 there was a recommendation to change the composition of the Board of Bar Admissions. That was approved by the Junior Bar Section and submitted to the State Bar which adopted it the next day. That part with their recommendations are included in this report and Mr. Satterfield's motion to amend leaves that part in concerning the change in the composition of the Board of Bar Admissions. The amendment offered by Mr. John Satterfield will emasculate those portions of the bill that have to do with education.

Let's look a moment at this business of practicing law. We are officers of the court. We should recognize our obligations to the public as well as to ourselves and future aspirants for admission to the Bar. We should endeavor this year and every year to place men in the Bar who can render good and valuable service to their clients. I know that there are those who have not had the same educational background that we are now recommending and that experience will certainly cover those lacks. Still, we have this to face us, that when we have a man pass the bar examinations he may or may not be qualified to represent his clients well and diligently. It might be ten years before he has acquired that learning that we are hoping we can have. We are hoping we can place men in our Bar who will be able to serve their clients and the public.

It is interesting to note that some of the members of the committee of the Senior Bar are not graduates of a law school and they favored the adoption of these recommendations along with the other members

of these committees. They felt that every person who aspires to practice law will be benefited by having gotten all the education he could acquire.

Let me say here the committee, in making these examinations, went far afield. We wrote to the State Bar Associations of South Carolina, Georgia, Alabama, Texas, Oklahoma, Arkansas, Louisiana; every southern state and many in the north, and we found in all but three states there is some requirement as to education before taking the bar examinations. We then inquired as to whether in Mississippi in taking the position we have our standards are high enough. You heard Mr. Wingo say please, please, do not exclude any young man from practicing law. I wonder whether that same question wasn't discussed in forty other states with requirements that are slightly above those we recommend when their educational requirements were adopted. In over forty of our states there is a requirement of two years of preliminary college work and three years of college law work.

Now let me say this. We have long considered the practice of law a right rather than a privilege, which it is, and we took on ourselves the job of looking at other professions and other groups and I have before me a compilation that relates to other professions and what they require. For instance, (these recommendations apply to Mississippi, too; they are by statute) dentistry. Those in Mississippi who apply to practice dentistry must have a high school education and in addition a diploma or certificate of graduation from a Class "A" or "B" Dentistry and Hygiene College and then take an examination to be admitted. Undertakers and embalmers have to have been for at least a six-month course in undertaking. Nurses must be graduated in nursing in connection with a hospital. Optometrists have to have completed a two-year course in Optometry. Physicians! I submit that the practice of law is one that is complicated, possibly not requiring the exact skill of a surgeon, but still a fair amount of ability. Physicians have to have completed a medical college with a four-year course. Chiropodists have to pass an examination and be a graduate of a school of chiropody and veterinarians of a bona fide veterinary school.

Your committees feel this way. It is the unanimous sentiment of both committees that if we intend to fulfill our obligations to the public of Mississippi we must take some step to increase the standards of the Bar. It has been said here, and I need not repeat it, that we have some men who are not well qualified to practice law. They may become so after years of experience. And it is true that there are some few men who because of excellent native attainments may acquire the same learning any number of law schools could have given them; but the majority of the percentages work the other way. We are satisfied in this day and time when competence in every field is required that raising the standards of admission to the Bar by these recommendations set out will benefit the public, and, not only that, will benefit the man who wishes to practice law. I feel every man who wants to practice will want to bring to that practice the best he can get. Let us say here your committees came to the conclusion that in this day and time

there are few, if any, young men and young women who cannot acquire the educational requirements we have set out. I have seen them go through college without means and some of you have done it and know it can be done.

In the motion to pass the resolution I had these thoughts in mind. I would like to have this group bear them in mind in considering the amendment. Gentlemen, the change has got to come. I would like to see it come at this time.

MR. HAUBERG: Mr. Chairman, Ladies and Gentlemen of the Mississippi Bar, Thank God for this opportunity to tell you what I think about this thing. Some of you people out there know how I feel about it. And let me tell you something. I am speaking in favor of the amendment; that is, the amendment made by Mr. Satterfield. I am speaking in a position against the long educational steps the proposed bill would provide. There are many young people who want to realize one of the greatest ambitions they have to be a member of the Mississippi Bar, and many of them wouldn't have the opportunity if they had to take the long educational steps provided for in the proposed bill. It is not my purpose, and I am not trying, to do something that is not for the public benefit. I think my duty, like everyone of you here, my duty to the public and to the Mississippi Bar is to do my best in an honest manner to see that the members of our Bar are the best men and women we can have.

Now, in consideration of this amendment, what are you going to think about? You know that you are going to close a door of opportunity to these young men and women who want to become lawyers and members of the Bar. Oh, my good friend, Mr. Tindall, says there are only a few of them that would be denied that privilege. But, listen, if you deny it to a few of them that is just as much as to deny it to all of them. Why deny them if you think there are only a few? If there are only one or two, are you going to say to them, "No, you cannot practice law because you haven't got the money and finances and your family is not able to send you to college?" "No, you can't practice law because you have got to take care of an invalid mother and your father is dead?" Are you ladies and gentlemen going to stand for that kind of a bill? If you are, then vote against the amendment and vote for the recommendations of the resolution. But if you believe in honest and fair play and if you think that every person in this free-loving country of ours and this state of ours is entitled to an equal opportunity to practice their profession, vote for the amendment.

We have no objection, I have no objection to the proposition of letting a member of the Supreme Court and a member of the University Law School be on the Board of Admissions. I think that is good. We have a good university. Any person, if he has the opportunity, ought to attend the University Law School. It is a wonderful law school. The trouble is that so many don't have that opportunity. Why close that door of opportunity to them? It wouldn't affect any of you members of this Bar. No, you are already in. And now that you are

in are you going to close the door and say, "Don't let anybody else get in?" Is that what you are going to do? I don't believe. Vote for the amendment and let's get this thing in a proper manner.

MR. ERSKINE WELLS of Jackson: Mr. Chairman, Members of the State Bar Association, let's not get all riled up in these passionate pleas of depriving poor boys of the right to practice law and recognize it is a privilege and not a right and obligation to the public.

Let's first consider what this education requirement amounts to. The pre-legal education required is two years of college work, two years which can be had at any junior college in the state of Mississippi. The purpose of those junior colleges being spread all over the state is to make available to persons of limited means a place to go and obtain a college education. That is the purpose of the junior colleges' existence, and they are scattered all over the state. Plenty of you people here know you are able to work your way through those junior colleges and they require very little, if any, expenditure on your part. That is what your pre-legal educational requirement is. Two years which may be had in any of the junior colleges in Mississippi. Second, let's consider the legal educational requirements. Three years of legal education if he devotes all his working time to it, or a little longer if he does not.

Let's face the fact that that bill is not designed to knock out evening law schools. The committees feel an evening law school serves a purpose and has a definite reason for its existence and by virtue of that proposed the recommendation that the evening law schools will not be abolished but an evening school would be required to meet some standards, and, in addition, a person would have then an opportunity to go at night after he has worked during the day for a living as many are doing in Jackson right now. He wouldn't be deprived of getting a legal education. That is what most of the law students are doing in Jackson today, working in the day time and getting their legal education at night. This recommendation doesn't deny them that privilege.

Let's consider these educational requirements in a sober light. That is all the higher they are. We feel that will not deprive anyone of the opportunity to practice law. At the same time, it will raise the standards of our bar association personnel.

Now, there are certain facts I feel should be brought to the attention of this group which I personally consider pertinent. I will leave it to each of you to say whether you deem these facts pertinent or not. The motion to amend, and by virtue of this, a motion to emasculate the proposal was made by a good friend of mine. The second was made by an equally good friend of mine, John Satterfield moving and the second being made by Robert Hauberg of Jackson. I feel this group should know that these two men are co-owners, or have some substantial financial interest in, the Jackson School of Law, and as such they derive pecuniary personal benefit from each person enrolled in the Jackson School of Law. If I am mistaken in the statements I am making I hope I will be corrected by those men. I don't want to make a mistake. I want to state facts. I want you to know the facts. The mover and

the seconder of the motion to amend have definitely been getting pecuniary gain from this school. I don't say they have that as a sole motive. I don't say that. Partially they are making available to deserving boys the opportunity to obtain a legal education. I say I will let you decide whether you might be influenced if it would be money out of your pocket to move or vote for or against these proposals.

Mr. J. Q. Hollis of Carthage: Gentlemen of the Mississippi Bar, as I heard this discussion this afternoon the old familiar poem come across my mind:

"The heights by great men reached and kept
Were not attained by sudden flight,
But they, while their companions slept,
Were toiling upward in the night."

My friends, Burnside, did he go to the university? No. Did Bevin of England go to the university? No. Did Clarence Darrow, the greatest criminal lawyer the world has ever known finish a university? No. Now, gentlemen, I think in all due respect to this committee we should raise the standards of our Bar. I think that their suggestion that a candidate have two years of college education is good, but I oppose the proposition that in order for a candidate to take the Mississippi Bar examinations that he must have completed a course in a university.

Now, gentlemen, that wouldn't affect me. I have had something over five years in what I consider one of the finest universities in the south and in the nation. But, you know, I came up under rather hard circumstances. I know what it is to have a dear old daddy who couldn't feed himself. I know what it is to have a mother struggling, struggling in order to provide food for we children on the table.

Who knows, gentlemen? I myself might experience the same circumstances my father experienced. Who knows, gentlemen? That little son of mine might experience the same circumstances, the same difficulties that I experienced and be unable to go to a university. I say, gentlemen, that that little boy of mine, if I wasn't able to send him to a university, should be permitted to study law and study it hard and go out and apply himself. I don't believe the word education means a college degree. I think that you can get an education without seeing inside of a college.

I want to say to you in conclusion that I, too, would like to see everyone be a graduate of a recognized law school. But, my good friends, my heart goes out to that poor boy who is struggling for an opportunity to practice our noble profession. Gentlemen, I am in favor of Mr. Satterfield's motion.

Mr. Satterfield: The question has been raised by Erskine Wells of a matter I thought all of you knew. I thought all members of the association were familiar with the Jackson School of Law, and I am sure most of you are familiar with the fact that there is such a school and knew both Robert Hauberg and myself are members of the school. I think you also are familiar with the fact that Judge Alexander of the

Supreme Court, former members of the faculty at the University of Mississippi and a number of other lawyers at Jackson are members of the faculty of that school.

I don't know whether you are familiar with the fact or not that during the greater part of the time it has been carried on at a financial sacrifice by members of the partnership. At this time it is a remunerative proposition. In the ten years I have been associated with the school the time I spent with that school would have brought me three of four times as much devoted to the practice of law and the business of my clients.

Frankly, my presentation today is not because I am connected with the Jackson School of Law, but without that connection I wouldn't have had the opportunity to see the deserving, the honest, the capable boys of this state who desire to practice law and continue to do so.

My friend Erskine Wells was fortunate. He didn't have to work his way through school. His father, for whom I have great respect, as well as Erskine and all members of his family, was able to send him to school without any cost or effort on his part except for him to pass. And it was no effort on his part to pass. He is a brilliant man. In the hard times and good, in working my own way through seven years of college with $100.00 being all my father spent on it aside from what I earned, I think I am in a better position to tell you about it than my friend Erskine Wells.

Gentlemen, I would say this. Regardless of remunerative interests in the Jackson School of Law, I assure you on my honor I wouldn't consider my pecuniary interests to the detriment of my profession. I don't believe any self-respecting member of this Bar would do so. It is against the interests of the state and the boys and girls of the state that any such requirements should be made.

I call your attention to the fact that the motion is to strike out sections one through four, ten, and fourteen. Those sections have to do with the educational requirements and don't affect other sections of the bill.

MR. LESTER CLARK of Hattiesburg: What does that leave in the bill?

VOICES: Nothing.

MR. SATTERFIELD: They say nothing. It happens to leave in the bill seven sections, which seven sections provide that the Board of Bar Admissions shall be composed of five members: the Chief Justice of the Supreme Court or an associate; the dean of the University Law School or a member of the faculty designated by him, and three members of the profession. In addition, it left in the provision that the secretary of the association shall be at the disposal of this board to investigate and use all her facilities in aid of this board. I propose to offer two amendments to those sections thus remaining. First, that the candidates be required to file application ninety days before the examinations; second, the applicants be required to pay $25.00 instead of $10.00 and

that members of the Board of Admissions receive $25.00 for their services in order that they not be required to spend their time at a personal sacrifice. The effect will be to raise the standards as desired.

MR. ETHRIDGE: Gentlemen, we have certainly had an adequate discussion. Two members of the committee have seconded the recommendations and four or five have argued against it. The motion before the house now is to amend the committee's report by striking from that report sections one through four, ten and thirteen. Those sections which are proposed to be struck from the committee's report are those which state that every person applying to take the bar examinations present evidence he has had two years of college education in a junior college or some other college approved and that every person applying be required to present satisfactory evidence that he has successfully completed a course of legal study in a law school which meets the standards set out in section three. Section three goes into some detail as to standards for the law schools. We have the motion to amend the committee's resolution in these respects.

The convention voted eighty-three to forty-nine against the proposed amendment to the committee's report. The committee's report was then approved by the convention.

President Stovall announced that the next order of business would be an address by Judge Sidney C. Mize. Judge Mize's address:

REDUCTION OF COSTS ON APPEAL TO THE CIRCUIT COURT OF APPEALS

Judge Sidney C. Mize

The things I shall say to you are printed in the law books, but at the last conference of the Judges of the Circuit Court of Appeals and the District Judges of the Fifth Circuit the question of reduction of costs in preparing the record for appeal to the Circuit Court of Appeals was discussed by a speaker appointed by the Senior Circuit Judge. There was considerable discussion at this conference, and at that time I stated to the Conference that I would address my State Bar Association at its June meeting, hence I am here.

The President of this distinguished body assigned me the subject of a report on the Judicial Conference. My report and address is going to be confined largely and briefly to the question of how the cost of an appeal may be held at its minimum; however, I shall digress from that subject far enough to tell you just a few things about the conference of Circuit and District Judges. There is, doubtless as you know, a Judicial Conference composed of the Chief Justice of the Supreme Court of the United States and the Senior Circuit Judge of each of the Circuits for the Courts of Appeal. This conference is created by an Act of Congress and requires the Chief Justice annually to summon to the Conference at Washington on the last Monday in September each Senior Circuit Judge and the Act makes it the duty of all of them to attend this conference. There the entire business of the District Courts and

the Circuit Courts is discussed and recommendations made to Congress from time to time for the better administration of justice in the United States Courts. Much valuable legislation has its origin in the recommendations of this conference. Likewise there is also a conference of the Circuit Judges and the District Judges of each Circuit. This last conference is the one, of course, which I attended and about which I shall address you.

Many committees are appointed from the Judges of this conference by the Senior Circuit Judge, and questions that affect the administration of justice are here discussed and recommendations made to the conference of Senior Circuit Judges. The Court Administrator or his representative also attends these conferences and through him and the Senior Conference the proceedings are transmitted to the various committees of Congres, where they are considered for whatever value they may have and whatever aid they may be to Congress in passing laws affecting the Judiciary.

I shall now return to my subject in an effort to assist you in holding the cost of appeal to the Circuit Court of Appeals to its minimum. The question of cost of litigation always has been and always will be a subject of concern as well as discussion. The Bar, the Legislature and the Courts are, as a matter of fact, always alert to reduce the cost of the litigation, but, of course, of necessity the litigants must always bear certainly a part of the cost. It is only fair that those who litigate between themselves bear the expense. Congress authorized the Supreme Court of the United States to promulgate rules for procedure in the Federal Courts and the Supreme Court of the United States has promulgated the rules both for the civil and criminal procedure and with which, I dare say, most of you are familiar.

It is necessary that the diligent lawyer study these rules and keep advised from time to time of any changes that may be made, for changes are constantly being made. The cost of an appeal to the Circuit Court of Appeals is regulated to a large extent by the rules promulgated by the Judges of each Circuit. This circuit promulgated rules which provide how the record may be presented to the Circuit Court of Appeals and it is necessary that these rules be followed; however, this Circuit is rather liberal in permitting the attorneys to agree upon the record and what parts shall be printed and is reluctant to dismiss an appeal for failure to comply strictly with its rules.

I shall quote substantially the rules of the Supreme Court of the United States for the preparation of records by the District Court Clerk to the Circuit Court of Appeals. These rules that I am quoting now will become effective September 1st, this year and are amendments to or additions to the present rules, and I call your attention at this time to the fact that the time for an appeal from the District Court to the Circuit Court of Appeals, except as otherwise provided, has been shortened to 30 days.

The applicable rules I shall quote are as follows:

APPROVED AMENDMENT TO RULE 73: (a) "When an appeal is permitted by law from a district court to a circuit court of appeals, the time within which an appeal may be taken shall be 30 days from the entry of the judgment appealed from unless a shorter time is provided by law, except that in any action in which the United States or an officer or agency thereof is a party the . . . A party may appeal from a judgment by filing with the district court a notice of appeal. (g) The record on appeal as provided for in Rules 75 and 76 shall be filed with the appellate court and the appeal there docketed within 40 days from the date of filing the notice of appeal; . . . In all cases the district court in its discretion and with or without motion or notice may extend the time for filing the record on appeal and docketing the appeal, if its order for extension is made before the expiration of the period for filing and docketing as originally prescribed or as extended by a previous order; but the district court shall not extend the time to a day more than 90 days from the date of filing the first notice of appeal.

APPROVED AMENDMENT TO RULE 75: (a) Designation of Contents of Record on Appeal: Promptly after an appeal to a circuit court of appeals is taken, the appellant shall serve upon the appellee and file with the district court a designation of the portions of the record, proceedings, and evidence to be contained in the record on appeal, unless the appellee has already served and filed a designation. (b) Transcript: If the designation includes only part of the reporter's transcript, the appellant shall file a copy of such additional parts thereof as the appellee may need to enable him to designate and file the parts he desires to have added, and if the appellant fails to do so the court on motion may require him to furnish the additional parts needed. (g) Record to be Prepared by Clerk—Necessary Parts: The copy of the transcript filed as provided in subdivision (b) of this rule shall be certified by the clerk as a part of the record on appeal and the clerk may not require an additional copy as a requisite to certification. (c) Rule for Transmission of Original Papers: Whenever a circuit court of appeals provides by rule for the hearing of appeals on the original papers, the clerk of the district court shall transmit them to the appellant court in lieu of the copies provided by this Rule 75. The transmittal shall be within such time or extended time as is provided in Rule 73 (9g), except that the district court by order may fix a shorter time. The clerk shall transmit all the original papers in the file dealing with the action or the proceeding in which the appeal is taken, with the exception of the parties on file, and shall append his certificate identifying the papers with reasonable definiteness. If a transcript of the testimony is on file the clerk shall transmit that also; otherwise the appellant shall file with the clerk for transmission such transcript of the testimony as he deems necessary for his appeal subject to the right of an appellee either to file additional portions or to procure an order from the district court requiring the appellant to do so.

RULE 76. RECORD ON APPEAL TO A CIRCUIT COURT OF APPEALS: AGREED STATEMENT.

When the questions presented by an appeal to a circuit court of appeals can be determined without an examination of all the pleadings, evidence and proceedings in the court below, the parties may prepare and sign a statement of the case showing how the questions arose and were decided in the district court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the question by the appellate court. The statement shall include a copy of the judgment appealed from, a copy of the notice of appeal with its filing date, and a concise statement of the points to be relied on by the appellant. If the statement conforms to the truth, it together with such additions as the court may consider necessary fully to present the questions raised by the appeal, shall be approved by the district court and shall then be certified to the appellate court as the record on appeal."

By the authority of the foregoing rules the Circuit Court of Appeals for this Circuit has promulgated its rules with reference to how the record on appeal shall be prepared. Rule 23 of this Circuit provides that after the record on appeal has been filed with the clerk and the opposing parties notified more than five days, then the opposite party may

designate such part of the record as he desires printed or the parties may stipulate what part is to be printed, but the Court of its own motion may direct that other parts be printed, if found needful. The penal part of that rule is that if on the hearing it appears that either party has requested unnecessary parts to be printed, the cost thereof may be imposed by the Court upon such offending party or his counsel. Thus it will be seen that this Circuit affords every opportunity to mitigate the cost of appeal if they will. After the clerk has made an estimate of the cost of printing the record the parties may agree then that only parts of the record shall be printed and shall so stipulate and if they do, then only those parts will be printed. This same rule provides that in lieu of having the record printed under the supervision of the clerk, the appellant may in five days after the parties have designated or stipulated as to the record on appeal under Rule 75 of Civil Procedure or an agreed statement has been approved by the district court under Rule 76 of Civil Procedure filed with the clerk of the district court a request that specified portions of the record be printed prior to its transmission to the Court of Appeals. Within five days from the date of service the opposite party may file with the clerk of the district court a request for the printing of such portions as he thinks necessary. In lieu thereof the parties may stipulate what part of the record may be printed. It shall then be the duty of appellant to have these parts printed. The clerk of the district court shall certify one copy thereof and 25 additional copies shall then be transmitted to the clerk of the appellate court; also shall be transmitted one copy of the typewritten form of the record that is in the district court. The appellate court may then refer to this typewritten copy for any parts that have not been printed if necessary. If on the hearing it appears that unnecessary parts have been printed, the cost thereof may be imposed by the Court on the offending party or his counsel.

This rule has been construed by the Circuit Court of Appeals and the offending party is not only criticized but taxed with costs for having printed unnecessary parts of the record. In *Knutson v. Metallic Slab Form Co.,* 132 Fed.(2d) 231, the Court said:

"Appellant designated to be included in the record 'the complete record and all the proceedings and evidence in the action', and named in detail the items, among them the reporter's transcript of evidence and proceedings at the trial, and two hundred exhibits to be sent up in the original. No statement of points to be relied on was filed. No effort to abbreviate anything was made as directed by Rule of Civil Procedure 75(e), 28 U. S. C. A. following Section 723c. In this court, proceeding under our Rule 23, appellant designated to be printed much but not all of the record, including the entire transcript of the evidence and proceedings, over 1400 printed pages, and numerous exhibits filling 200 printed pages . . . Slight attention, we have observed, is given to reducing the matter to be brought to the appellate court, and the whole labor of separating the important from the unimportant is falling upon the appellate judges, who because of unfamiliarity with the case have frequently to read and consider all in order to do this. But Rule 75(e) does require the omission from the record of 'all matter not essential to the decision of the questions presented by the appeal', and provides that the appellate court may withhold or impose costs for the discouragement of infractions, and either upon the party, or upon his counsel whose want of diligence and attention is often the true fault . . . The requesting of the printing of unnecessary parts of the record will result in the cost thereof being imposed specially on the party requesting it, or on his counsel . . . The imposition of cost upon counsel, rather than on clients might be most stimulating, and would in many instances be

most just, where diligence and skill were clearly not used. Also the unsuccessful litigant is entitled to be not unduly condemned in costs. When he protests as here, it is our duty carefully to examine his complaint."

I urge every member of the Bar to read this decision in full as it shows clearly the duty of counsel as well as the attitude of the Court.

I also call to your attention the case of *Reeve Bros. v. Guest,* 132 Fed.(2d) 778. This case demonstrates the other side of the question and shows the liberality of the Court in its effort to reduce the cost of appeal. There a part of the record was not printed which should have been printed, but upon a petition for rehearing the Court examined the typewritten copy of the record which had not been printed and sustained a petition for rehearing, and thus will eliminate the fear of counsel that their cause will not receive full consideration unless they have the entire record printed. In that case the Court said:

"We have pursuant to our Rule 23, examined the unprinted portions of the transcripts of the records on appeal and find that there was a colloquy with the judge, omitted in printing, in which such objections were duly made."

I urge that this decision be read by the Bar.

This circuit also on June 8, 1945, entered an order to the effect that in lieu of having the record printed under subsections 3 and 10 of Rule 23, counsel for appellant may at his option have the record produced by the multigraph duplicator or mimeograph method and file in that court ten copies of the record, one of which shall be certified by the district clerk. Thus it will be seen that this circuit has gone far on its part in an effort to reduce the costs of litigation. It is now up to counsel to do its part. Litigation is expensive but necessary to the fair administration of justice under our system of government. Diligent counsel with reasonable care can reduce the cost thereof considerably to his client without impairing his opportunity of a fair and full hearing. Let each one of you therefore study these rules and give fair and full consideration to the interests of your client and at the same time have a clear conscience that as an attorney you have been fair to the Court and to the litigant.

The report of the Mississippi Committee of the American Bar Association Committee for the Improvement of the Administration of Justice was presented by Mr. Phil Stone of Oxford.

REPORT OF MISSISSIPPI COMMITTEE OF THE AMERICAN BAR ASSOCIATION COMMITTEE FOR THE IMPROVEMENT OF THE ADMINISTRATION OF JUSTICE

In 1938 at its Annual Meeting at Cleveland, Ohio, the American Bar Association adopted a report of its section on Judicial Administration as to various proposed reforms in the administration of justice. The accomplishment of the proposed program in the various states was committed to the Committee for the Improvement of the Administration of Justice. The Chairman of this Committee is Judge John J. Parker of Charlotte, North Carolina, present senior judge of the Fourth United States Court of Appeals and a former member of the American team

of prosecutors at the Nuremberg trials of the Axis War Criminals. Most of you probably remember that Judge Parker spoke to us on the subject of these proposed reforms at our Annual Meeting at Jackson several years ago.

To further accomplish the proposed program a committee similar to the American Bar Association Committee was constituted in each state. In this state such Committee is composed of the following members: Honorable Ross R. Barnett, Jackson; Honorable Edmund L. Brunini, Vicksburg; Honorable Eugene Morse, Jackson; Honorable John Satterfield, Jackson; Chief Justice Sydney Smith, Jackson; Honorable Robert Thompson, Gulfport; Honorable Hugh Clayton, New Albany; Judge John Kuykendall, Charleston; Honorable Robert Stovall, Columbus; Phil Stone, Oxford, Chairman.

All the recommendations made by the American Bar Association to modernize our court procedure are too numerous to be set forth in detail here and now. Most of you are probably familiar with them anyway. However, almost every single recommendation made in that program has been tested and found successful in one or more jurisdictions of this Union. Suffice it to say that the main points of this program are reform in judicial administration including, among other things, vesting of rule-making power in the courts, the establishment of judicial councils, the use of pre-trial practice, the improvement of the jury system, certain changes in rules of evidence, simplifying appellate practice and the improvement of the functioning of administrative bureaus and commissions. A large number of these proposals have been adopted and found useful in most of the states. These proposals have probably advanced less in Mississippi than in any other State.

Although this committee does not thnik that every one of the proposed changes is adaptable to Mississippi jurisprudence, we do think most of them desirable. However, we realize that it would not be possible to get all of such proposals adopted by our legislature at any near time in the foreseeable future. Consequently our committee has decided that it will accomplish more practical good by advocating and working for the program advanced by the Conference of Judges, by the Junior Bar Section, and the State Committee on Procedural Reforms. The principal present item of such program, as you know, is the proposal to get through the Legislature in 1948 the bill vesting in our Supreme Court the rule-making power as to civil procedure in the Circuit, Chancery and County Courts. Historically the courts have always had this power. The courts should never have surrendered this power. This power should be at once revested in the courts. This function is not, and never has been, properly a legislative function. Under this proposed bill the Supreme Court cannot initiate any rules and any and all rules finally proposed are subject to the veto of the Legislature. If we cannot trust our supreme court justices to exercise properly and wisely the very limited powers given them by this very moderate bill we had better get rid of them and get some new supreme court justices.

Our committee had set three goals for the Legislative session in 1948. These are, first, vesting the rule-making power in the Supreme Court; second, creation of an administrative officer of the courts; and, third, the establishment of a judicial council. The present bill vests the rule-making power in the Supreme Court and establishes what is actually a judicial council. If this bill is passed it is possible that this committee will submit to the Legislature a bill to create an administrative officer of the courts but action in this regard will depend upon events. This committee thinks the vital thing, the thing to which every other proposal should yield, is to see that this bill to vest the rule-making power in our Supreme Court shall become law. So our committee, with only one exception, has decided to devote our whole time and effort to get this bill made law in the Legislative Session of 1948. We ask, and we believe we shall receive, the help of every forward-looking member of the Mississippi State Bar.

The convention was recessed until eight o'clock in the evening.

EVENING SESSION, JUNE 27, 1947

President Stovall introduced distinguished guests to the members of the Mississippi State Bar and their guests, and then introduced Mr. T. J. Tubb of West Point. Mr. Tubb introduced the first speaker of the evening, Mr. George E. Allen who spoke to the convention.

ADDRESS OF GEORGE E. ALLEN

It is indeed a pleasure to be back home in Mississippi for this occasion. It was exactly thirty years ago this year that I last attended a meeting of this organization. At that time your President was an illustrious lawyer from my home town of Okolona, Mr. A. T. Stovall, father of the equally distinguished son who is now your President. I was then making a most unpromising start in the law in Okolona and I remember drawing some inspiration from an association meeting in Greenville.

To say that the inspiration wore off and that I have strayed from the law in these intervening years is an understatement. I have strayed so far, in fact, that I find it most embarrassing to address a group still learned in the law. I fully realize that my subject should be one of concern to the profession. But I also have respect for the rule that any speaker should know more about his subject than his audience. If I am to address this audience on any subject in which I have superior knowledge, that subject must be far removed from the theory and practice of our profession.

Since receiving your invitation, I have been looking, somewhat desperately, for a subject I would know more about than a group of Mississippi lawyers. I confess in all humility that I haven't found one. However, I have found the next best thing—a subject nobody knows and therefore one that I can claim to know better than you. You have probably guessed by now that my subject will be economics. None of you will be in a position to deny, with certainty, anything that I may

have to say about the economic prospects of the United States of America in this troubled post-war period. You may dispute what I say but you won't be able to deny it.

As you, of course, know, economics have become a great, though relatively new profession—a sort of fifth estate in American life. Economists are everywhere, particularly in Washington. They assure us periodically our economic system is heading for a dismal depression which is just around the corner, where Mr. Hoover's prosperity used to hide. It is quite true that no two of them agree about the precise reasons for the impending collapse. But they do agree, whether disciples of Henry George or Maynard Keynes, that the outlook is dim and constantly fading.

I don't want you to get the idea from this that I am against economists as such. They are, no doubt, very useful citizens whose understanding of economic forces is growing and whose profession is gradually developing the disciplines which will make it, eventually, a great lighthouse to guide both government and private business away from the shoals which were once called panics, later depressions and more recently recessions. President Truman's Board of Economic Advisers, under the leadership of Dr. Nourse, already has become an enormously valuable adjunct of the executive branch of the government. It is the self-appointed, irresponsible saviors of our economic system—the Jeremiahs who keep making themselves seen in headlines and heard on the air—of whom I am, to say the very least, skeptical. The trouble is that the fraternity of economists has still found no way of disbarring these noisy false prophets.

I recently came upon a magazine article, printed back in 1939, containing a parable that may illustrate what I am getting at:

"There was a man who lived by the side of the road and sold hot dogs. He was hard of hearing so he had no radio. He had trouble with his eyes so he read no newspapers. But he sold good hot dogs. He was a firm believer in advertising so he put up signs along the highway advertising the merits of his hot dogs and he stood by the side of the road and cried—'Buy me a hot dog, mister!' (And people bought.)

"He increased his meat and bun order. He bought a bigger stove to take care of his trade. Finally business became so good that he brought his son home from the city to help him. Then something happened—His son said: 'Father, haven't you been listening to the radio? Haven't you been reading the newspapers? There is a big depression on. The European situation is terrible. The domestic situation is worse. Everything is going to pot.'

"Whereupon the father thought—'Well, my son has been to college. He has lived in the city with big business men. He reads the papers and listens to the radio. He ought to know.' So—the father cut down on his meat and bun orders, curtailed his advertising and no longer bothered to stand by the highway and call out his wares. His sales fell off almost overnight. He said to his boy—'You were right, son, we certainly are in the middle of a great depression.'"

Recently the New York Stock Market, which, so far as I have been able to make out, follows no rule of heaven or earth, started selling down security prices. As usual when this happens, falling stock prices were widely heralded as the forerunner of the post-war recession. President Truman, at a recent press conference, expressed the opinion that the country faced a bright future. His words made somewhat less impression, I should say, than the stock quotations. The doomsday boys were as loud as ever. To judge who may be right about the future, the President, whose sources of economic information are good and whose judgment in these matters must be respected, or the know-it-alls who try to rationalize stock market reactions, it may be useful to go back to something that happened two years ago.

The war was still on then but the home front crawled with alleged economists who cheerfully predicted that the bottom would drop out of economic life in this country the moment the guns were silenced abroad. Specifically, these prophets insisted that as soon as the war would end America must suffer heavy unemployment. After all, there were about eleven million men and women in the armed services and, when demobilizd, they surely would flood our labor market. This was the prevailing view, shared by labor leaders and various government officials as well as professional economic experts, many of them highly respected in their field.

Let me cite a few outstanding examples of the pessimism of 1945. This is presented not in a critical spirit, but merely to reveal the thinking of that period. Among the labor leaders, a prominent CIO official, the PAC President, boldly predicted on August 14, 1945, that there would be no less than 10 million unemployed "within six to eight weeks." The following day an important government agency officially informed the President that:

> "It is expected that there will be five million or more unemployed in three months. By spring unemployment may reach about eight million."

By October 1945, the President of the CIO warned the Congress relative to the Full Employment Bill that unemployment could be expected to reach eight million by winter. In November 1945, the Administrator of the Office for Emergency Management predicted a "peak of four to five million unemployed by the spring of 1946." Even Dr. Isador Lubin, Commissioner of Labor Statistics, and a noted authority in his field, flatly predicted in December 1945, that six to nine million would be jobless by the spring of 1946.

The top prize for pessimism, however, should go to a well-known economist of the A. F. of L., who came out in 1944 with a prediction that our postwar unemployment would soon reach a record total of 20 millions!

Against this array of economic predictions, let us check the views of Harry S. Truman at that time. On April 7, 1945—just five days before the death of President Roosevelt—Vice President Truman made

a speech in Buffalo, New York, in which he sought to prove that the current fear of heavy unemployment immediately after the war was groundless. In his own words, he declared:

> "Fear has been expressed that when our fighting forces return, these new workers might flood the labor market and threaten us with heavy unemployment. In the first place, of the eleven million in the armed services, about five million will not be in the market for jobs immediately upon discharge from service."

He then stressed the fact that over half of the people in service were under twenty-six years of age. Therefore, about two million should return to schools, colleges, or seek vocational training. (Actually by April 1947, the number of GI students totaled 2,100,000.) Another two million veterans also would probably enter business, or become self-employed, such as lawyers, doctors, farmers, etc. An additional million veterans would have special positions awaiting them, such as policemen, firemen, teachers, and necessary government workers. Therefore, according to Vice President Truman, these five million veterans would not be "thrown on the labor market" as hostilities ended. To quote Vice President Truman again:

> "Of the remaining six million servicemen, approximately two million may remain in service as a career, or be replaced by others, to man our new mighty fleets and outposts guarding America. This leaves only about four million veterans available for civilian positions soon after hostilities cease."

(Actually by June 1946, there were still over two million in the armed services.)

Mr. Truman then went on to cite an official survey by the Labor Department indicating that about one-fifth of our eighteen million women employees planned to return to their homes after the war. This alone should leave about three and and a half million positions to be filled. (Latest Labor Department information indicates that between three and four million women have returned to their homes from wartime jobs.)

Furthermore, Mr. Truman pointed out that there were another half a million persons over sixty-five who were entitled to retire on pensions, and continued to work only to help the war effort. In addition, about two million boys, between fourteen and seventeen years of age, were permitted to work during the war, but should be sent back to school at the end of hostilities. To summarize this in his own words:

> "In brief, about six million people may be expected to leave the nation's labor force when victory comes, while there are only about four million veterans ready to step into their places. Modern scientific discoveries should give rise to new important industries. Therefore, if our high production is maintained, or increased to meet the demands of peace, America may actually experience manpower shortages for some time in certain localities."

Subsequent events proved this view to be the correct one.

The latest official Census Bureau estimate of gainful employment in America reached an all-time high of 58,330,000 in May 1947. When we add the 1,470,000 men and women with the armed forces, we had 59,800,000 Americans holding paying jobs last month—only 200,000 short of Henry Wallace's visionary 60,000,000. Surely our economic democracy seems to be on a solid and sound foundation of full employment. Fortunately, the fears of the pessimists, like the hopes of the Communists, are not being realized. When we consider his past performance, we might do well not to take President Truman's present predictions too lightly.

Employment is, of course, only one measure of our national well-being. But any other measure will show the same result. We are producing more goods, our merchants are selling more goods, our people are buying more goods at this moment than every before in the history of this or any other country. Our free economy is functioning as never before. Of what, then, are we so afraid? Why are we listening so intently to those who tell us that this happy state of affairs is illusion that will fade before our eyes day after tomorrow, giving way to another debacle like 1929. There are, to be sure, several valid reasons for some degree of uncertainty about the future. First, we know from bitter experience that the business cycle is a fact of American life; second, we must recognize that our own prosperity is based in part on foreign outlets for our surplus goods; and third, we know that there are isolationist forces in the country—forces which are growing stronger in Congress—which would withdraw this nation from contact with the rest of the world and cut off this nation's merchants from the world's market places.

Without reference to the niceties of the economic theorists, I simply refuse to believe that we shall allow any of these admitted hazards to interfere seriously with our prospects. It is certainly true that prices are now too high and that they must be shaken down in some lines—a process which will be painful to some but which need not be disruptive if we refuse to panic. I feel confident that labor-management relations are going to improve—that both sides have learned much in recent years of conflict about the give and take of collective bargaining and that both want a period of peaceful cooperation. I believe that prices will find their natural level gradually and without benefit of panic, depression or even recession.

As for the foreign situation, nobody knows better than you leaders of the cotton states how necessary it is for us, as Amerians, to concern ourselves with the recovery and prosperity of the rest of the world. Enlightened self-interest demands that we help Europe to its feet. The recently-enunciated Marshall Policy, calling upon European nations to take the initiative in formulating a cooperative recovery program as a condition to financial assistance from this country, gives promise of accomplishing this. If it succeeds, our foreign markets will be assured for years to come. We can expect Soviet Russia, I believe, to play a disruptive game as it has ever since the end of the second World War. But

I also believe that we can organize the world without Russia, if worst comes to worst, and that, eventually, the men of the Kremlin will realize that they have more to gain from cooperation than from obstruction.

In closing, I remain confident that ultimately all peoples of the world must see the wisdom and necessity of working together to assure a just peace and economic prosperity in the atomic age of the future.

Mr. W. T. Winn of Greenville introduced Mr. Fred E. Strine, executive assistant in the Appellate Division of the Criminal Department of the United States Department of Justice who addressed the convention.

THE LAWYER IN THE POST-WAR RECONVERSION PERIOD

Fred E. Strine

It is a great pleasure for me to be with you today. I am sorry that the pressure of business prevented the Attorney General, Tom C. Clark, from being here, and I wish to convey to you for him his keen disappointment about being unable to participate in your assembly and his hope that he will have the opportunity at another time of meeting you. I can say for the Attorney General that there is no group which gives him more pleasure to address than a bar association for he realizes that the Department of Justice is a composite of members of virtually every bar of the United States and that we are therefore keenly interested in the affairs of each. I believe that every state bar is represented in the Department of Justice, headed by an Attorney General from Texas, Assistant Attorneys General from North Carolina, Illinois, Connecticut, Oklahoma and New York, and attorneys from all over the country. I, myself, was raised in Washington, D. C., that no man's land which is neither the North nor the South but is damned by both.

Then, too, the Attorney General likes to address a group of lawyers because he is proud of our profession and conscious of the tasks which men learned in the law were called upon to perform in this last war and are now called upon to do in assuring a lasting peace.

Forty thousand of our profession marched and fought in the armed forces of our country. Nine-tenths of the students in our law schools shut their books when the call to arms came. Those who had to stay behind gave freely of their strength and efforts in every task which had to be done on the home front, and to assist the many agencies which were concerned with the war effort. Lawyers served on local draft boards, acted as appeals agents in selective service cases, and manned war price and rationing boards—services which were given voluntarily and tirelessly.

Now we are at peace. If it is an uneasy and insecure peace that is so perhaps because too many people think of peace as only a rest period between wars. It seems to me that we must now fight not just to make this period a peace as long as possible but to assure that it shall never end. The medals of the heroes of peace should shine no less bright than the medals of men of war.

I think I can safely say that our profession is as important to America's way of life as any other. The lawyer is important to his country, his state and his community. It is not enough for us merely to serve our clients' needs and to win cases. A lawyer has a broader function. He is a man of education and of integrity. He has the special learning and experience which can be of great assistance to the community. And from this, of course, it follows that the bar associations, which reflect the combined views of the legal practitioners of the particular locality, are in a strategic spot to use the specialized knowledge of that group for the public good.

A great responsibility rests upon your bar association, as well as on every other one. The foundation of America is law and order. Those two things are inseparable. As the legend carved in the stone over the door of the Department of Justice says: "Law without order is nothing." And equally true, those two great things would lose their meaning without our profession, for it is the lawyers who write the laws, who play a leading part in their enactment, who prosecute the law violators and represent the parties in legal disputes, and who furnish the judges who interpret the laws.

Some may wonder if we in the law business have made as much progress in our field as have the members of some other professions in their fields. For example, our engineers have increased the standard of living of the average American to a higher point than any standard in the world. They transformed a whole people from a nation of "stay at homes" to world travelers. And, of course, the great strides of the medical profession in recent years are too well known to mention.

But I am glad to say that the lawyer, too, has advanced. He has been busy in many lines, mostly with the public's business. We are in the forefront of administering every phase of government—federal, state and local. Every law bears the indelible imprint of the attorney, both on its text and on its administration. In the last Congress, the 79th, the lawyer occupied 241 seats in the House, more than a majority. On the Senate side he sat in 62 chairs, nearly as many as the two-thirds required to ratify a peace treaty. During that Congress he prepared some 10,000 bills yearly, and 2,500 of these became federal law. The lawyer has been equally busy in state legislatures, where during every year he prepares some 65,000 bills and 18,000 become law. Of course, this may lead to the observation that it might be well if he prepared a few bills to abolish some of the larger number he has secured the enactment of in the past.

But today the future is crowding upon us. As we look ahead to tomorrow's America, we must remember the awful heritage we have created for our children. We are the ones who brought the world across the threshold into the Atomic Age. In the words of the 1946 Report of the United States to the United Nations Atomic Energy Commission:

> "Never before has there been so much potentiality for both good and evil in a single scientific development. If only a small fraction of the potential good is realized, the human effort ex-

> pended will be repaid many times in benefits not only to the people of the United States but also to the peoples of the world."

We lawyers, we men and women whose training is largely in the lessons of the past, must now stand forward to make certain that this "potential good" is realized in full measure and that the evil shall stay buried in the wastes of Hiroshima and Nagasaki. The sooner we recognize the responsibility our generation must assume for having created the Atomic Age the sooner we shall assure that the generations of the future will bless our memories.

How do we go about doing this? It seems to me that it is time that we lawyers looked beyond our national horizons to the field of international law. Under modern conditions the world is growing very close together, and it is up to lawyers to take the lead.

The inevitable result of the present day expansion of economic and political frontiers is the expansion of our professional frontiers. The lawyer, the general practitioner, may no longer consider such fields as admiralty, air law, or even private international law, to be the mystic chapters of our learning, open to but a few initiates. These subjects, and other "specialties" of the law, are no longer foreign to our every day problems. Truly, all of these have come to Main Street, if only because Main Street now goes around the world.

Our bar associations, which traditionally have acted as real forums for interchange of professional knowledge and as instruments for the improvement of the law, can serve well to help the profession to acquire and absorb these new fields of learning. Even more, they can serve as channels to carry our traditions and concepts of law to our brothers in other lands, so that with the mutual exchange of knowledge there will come the understanding which gives birth to friendship.

I think that we lawyers are taking the lead in these new concepts. On the international scene we have developed at long last a precedent for criminal proscution under international law in two precedent making trials at Nurenberg and Tokyo. We developed a new system of justice—not quite any existing system but rather one made up of the best features of many—where judges of different nations sat on the same bench and where lawyers from many countries worked side by side. Thus the lawyer created a new legal implement which we hope will prevent or at least deter future wars.

Another new idea along this line is the proposal to bring together from time to time the chief legal officials—Ministers of Justice, Attorneys General, or whatever their title—of the various nations to consult together about common problems and aims. Just a month or so ago the Attorney General told the American Society of International Law at Washington that he has discussed this plan with the State Department and has its enthusiastic support of a meeting in this country to be held in about a year, looking toward the establishment of a solid foundation for law and justice as the common rule of conduct in a world united against its worst enemy, war. From such meetings considerable progress

can be made toward clarification of present international law, now a conglomeration of treaties, agreements and accepted customs, without sanction other than the conscience of the world.

So much for the international aspects of the lawyers' role in the postwar period. We have some equally important functions here at home which perhaps take on added significance at this particular time. War's aftermath has always left its imprint upon society and the same is true of the courts. Since I have always been employed in the Justice Department's Criminal Division, I naturally think principally of the criminal courts.

You all remember the predictions repeatedly made ever since the war began that we would see a postwar crime wave of a magnitude never before experienced. Past history supported those predictions. After the Revolutionary War there seems to have been a major epidemic of horse stealing. At the close of the War Between the States there was a great increase in crime, both in the South and in the North. A crime wave of major proportions followed World War I both in the United States and in England.

While the postwar crime wave has not reached perhaps the proportions predicted by some alarmists, the cold figures give us sobering food for thought. During the year 1946 alone there were 1,600,000 serious law violations, federal and state, and we have at this time an army of 7,000,000 criminals who have committed serious offenses. Certainly these figures cannot be taken lightly by either the bar or the people as a whole.

The dark side of the picture, it seems to me, is that when we see who are committing so many of these postwar crimes we find they are not the adult population but their children and their younger brothers and sisters. At one time seventeen year olds led all other ages. The increase of juvenile delinquency should be of great concern to parents, school authorities, the church and community agencies and to the federal government, as well. Juvenile delinquency stems from many causes and there is no simple single remedy. It is a by-product of the broken home, disruptions of home life due to the war and lack of parental control, and many other factors.

I can, of course, merely hint at these and the other causes of juvenile delinquency. The broken home is one but there are others equally disastrous. Vigorous practical steps are needed, and the Attorney General has started the ball rolling because he is vitally interested in this problem. Last winter he called a three day National Conference for the Prevention and Control of Juvenile Delinquency, attended by representatives of hundreds of public and private agencies. They concluded that teen-age crime must be attacked on the broadest possible basis, all the way from a child's home life to cooperation between public, private and community organizations on a continuous basis. So we are now carrying on from there, but frankly the solution is difficult.

It is no solution to arrest these erring boys and girls and lock them up. While the law enforcement officer often has no alternative, this

does not answer the problem. The only worthwhile thing which can be accomplished in treating a juvenile offender is rehabilitation for this is the case above all others where an ounce of prevention is worth a pound of cure. The youth who has taken his first hesitating step across the line which separates the law-abiding from the law-breaker is not likely a criminal at heart. But he will become one and he will be damaged beyond hope of rehabilitation if he is imprisoned under improper surroundings. You will be convinced of this, as I am, when I tell you that juvenile statistics show that while the courts find it necessary to sentence 52% of the first offenders to custody, they also find it necessary to order confinement of 61% of the second offenders and 72% of the third offenders. Rehabilitation has broken down somewhere and something else is needed where there are so many second and particularly third offenders among those who are still juveniles.

What is needed is legislation along the lines of the Youth Authority Act now pending in Congress. Originally proposed by a committee of federal judges appointed by the Judicial Conference of Senior Circuit Judges as a part of a measure dealing with the sentencing of all federal offenders, the bill has now been split up and the Youth Authority provisions are a separate measure. Now is the time to start plans for the more effective treatment of the older teen-age and young adult offender. This bill would pick up where state juvenile courts and the Federal Juvenile Delinquency Act leaves off. Its upper limit of 24 years was based upon the opinion of physiologists and psychiatrists that that age represents final arrival at physical, intellectual and emotional maturity, and upon the fact that it is the age taken in similar legislation in Great Britain and California.

There are three major aspects to the administration of federal justice so far as it relates to juveniles: a period of observation and study prior to a determination of the treatment required in a particular case; power to utilize a diversity of treatment—training facilities, both public and private; and continuity of interest in the youthful offender. This bill would bring together and broaden these features and would lift an intense and heavy burden from the shoulders of the judge. Moreover, one section would provide that when a youth is unconditionally discharged before the expiration of the maximum period of supervision to which he can be subjected (six years), his conviction would be automatically set aside and the Youth Authority would issue a certificate to that effect, having the same legal effect as a pardon. This would accomplish the highly commendable objective of permitting youngsters who have satisfactorily made amends for a youthful error to face the future without the stigma of a conviction on their record. The Attorney General has advocated the same idea with the so-called Brooklyn plan.

We have seen more than one case where young offenders used walky-talky radio equipment to keep in touch with each other while they were committing burglaries. One of these groups was even developing special infra-red lighting equipment in order to be able to see in the dark without being seen by the police. They were finally caught, not because of any flaw in their ultra-modern scientific apparatus, but

because they succumbed to the age-old human failing of spending too much money in public places. While one perhaps feels an inward measure of admiration for such youthful ingenuity, which does at least reflect the adaptability of the younger generation to the scientific age in which we are living, we are sobered by the thought of just how far the underworld may go in making use of modern science to commit its crimes.

Along this line, it seems to me that one of the big problems confronting everyone connected in any capacity with the criminal courts is the disparity of sentences. Just two weeks ago I read with interest an editorial in the Washington Post headed "Unequal Justice." The writer pointed out that a certain draft law violator who received a mild sentence "can congratulate himself on having gotten off very lightly indeed in comparison with the many conscientious objectors" who received five-year sentences from other judges. The editorial went on to say that different judges, "with the best intentions in the world", impose such vastly different punishments for scarcely distinguishable offenses that the disparities "have seemed so haphazard and even capricious as to give an impression of unequal justice."

There is a lot in what the writer said. We see moonshiners consistently sentenced to a couple of years in prison by a federal court in one state, when sentences of a few months in a county jail are invariably given by a federal court in another state for almost identical crimes. The answer is not simple for the Judicial Conference's Committee has worked hard on the problem for a long time.

With a few more tools the federal government can do much to improve the administration of *federal* justice in the post-war reconversion period. With the help of the lawyers and the bar associations great strides can be made in the administration of *state* justice. Let us not forget that we, the human race, now hold in our hands a power for great good, or for great evil. Let us not fail to use it wisely. Truly, the future is crowding upon us and we lawyers, the advisers of business, industry and government, counsel to the individual and counsel to the world, must not be left behind nor be a brake upon the peaceful progress of humanity.

We have won the war, with the help of God. The Almighty now deserves the help of those He created in His own image that there should at last come upon this earth the warm days of peace so that we and the generations to which we owe the future may sing with Solomon,

> For lo, the winter is past,
> the rain is over and gone,
> The flowers appear on the earth;
> The time of the singing of the birds is come
> And the voice of the turtle is heard in our land.

MORNING SESSION, JUNE 28, 1947

The convention was called to order by President Stovall at 10:30 a.m. Mr. W. A. Ellis, Poet Laureate, presented the following poems:

TWO PICTURES

They say Bob Ingersoll once said,
With hearty laugh and toss of head—
"Let's take a drink that's hard to beat,
The mingled soul of corn and wheat.
It's full of laughter, smiles and cheers,
And drives away all doubts and fears
And gives you hope for future years."

But, then there is another way
As sober people always say.
If you'd make sure of sore defeat,
Try mingled soul of corn and wheat,
It's full of danger, sorrows, tears,
Gives raucous tones instead of cheers,
And wrecks the hopes of future years.
It's out of order, time and place,
The blighting curse of human race.
It may enthuse at first, perhaps,
But leaves the victim in collapse.
Anathema of ev'ry age,
For sinner, savage, saint and sage.
The mingled soul of corn and wheat
Will undermine your judgment seat.
Yes, shun, Oh shun, the enchanted cup.
It summons all the demons up
To put you in their full control,
Then wrecks your body, mind and soul.

Another drink, I recommend,
The very best the Lord could send.
A nectar drink without the foam,
Reminding you of home, sweet home.
It satisfies the appetite,
    Drives many an ache and pain away,
Like darkness flees before the light
    Proceeding from the king of day.
It aids digestion, tones the nerves,
And keeps you straight around the curves.
Do what you will, say what you think,
It's nature's best and cheapest drink.
It's water, water, fresh and free,
The best of drinks for you and me.

GOD BLESS AMERICA

I sometimes tremble when I think
We're standing on volcanic brink,
An earthquake seething down below,
For some volcanic overthrow.
If war cuts off the hydra's head,
Two more will spring where one has bled.

God bless America forevermore,
The land of liberty, eternal right,
Whose fathers came from many a foreign shore
And built their homes in freedom's holy light.

God save America through coming years,
For justice, mercy, noble deeds well done,
Whose suffering through "sweat and blood and tears"
Has helped redeem the nations, one by one.

God bless and save America from death,
And let her live for millions yet unborn,
And keep her true to that undying faith
In healing wounds by cruel tyrants torn.

God save America and keep her good,
With all her might, her riches and her gold,
A friend to all along life's rocky road,
As Good Samaritan in days of old.

Let Capital and Labor realize
Our country's destiny is linked with theirs;
We rise and fall, yes, win or lose the prize,
Copartners in our triumphs, toils and cares.

If hand and mouth and stomach ever strike,
Or each refuse to do his honored part,
The entire man will suffer just alike
For want of life-blood flowing from the heart.

God bless and save America forever
From strife and wars at home, from wars abroad,
Compact, united, separated never,
In fighting freedom's battles for the Lord.

God bless and save America from wrong,
From needless self-indulgence, grievous sin,
Repentant, faithful, rich, wise, good and strong,
To win a just and lasting peace. Amen.

The report of the Law Journal Committee was presented by Mr. Lampkin H. Butts, Editor of the Mississippi Law Journal. Members of

the Committee were: Hubert Lipscomb, Chairman; Leslie Darden, R. W. Thompson, Jr., W. G. Roberds, L. G. Fant, Jr., W. T. Wynn, James McClure, Edmund L. Brunini.

REPORT OF THE LAW JOURNAL COMMITTEE

Mr. President, Ladies and Gentlemen of the Mississippi Bar; it is indeed a pleasure to appear before you today to report to you upon the activities and plans of your Law Journal, the Mississippi Law Journal. In consideration of this morning's program, I am going to make my remarks very brief. We have rendered a detailed report on our financial status to Mr. Thompson of your Budget Committee, and you will hear from him of that phase of our activity. Aside from that, I think perhaps it would be best if we stood upon our record. You have received this year three copies of the Law Journal and during the course of the next week will receive your fourth copy of the Journal as edited by Mr. William Bizzell, the retiring editor. Our plans for next year are very similar to the program followed this year. We have one project for next year I think perhaps you would be interested in. That is the compilation of an index to cover the eighteen volumes of the Journal which have been published. I think that if we can get out an index which will give you ready access to each of the issues of your Law Journal that it will make the Law Journal that much more valuable to you.

It is always our hope that the Law Journal meets with your approval. We try to publish articles that will be of interest and value to members of the Bar Association. And in doing that we hope we accomplish a secondary purpose of reflecting through our Journal the learning, the dignity and the ability of the Mississippi Bar to subscribers we have outside of the state of Mississippi, over this nation and in a few foreign countries.

I would like to conclude our report by saying we will always welcome any suggestions from members of the Bar regarding the Journal, its content and its make-up, and we hope the Journal is proving of value and benefit to you.

The report of the Committee on Resolutions was presented by Mr. Lester Clark of Hattiesburg. Other members of the Committee were Mr. J. C. Wilbourn and Judge John C. Stennis.

REPORT OF THE COMMITTEE ON RESOLUTIONS

Mr. President and Fellow Members of the Bar, we have prepared the following resolutions for your approval:

WHEREAS, the members of the Mississippi State Bar and their wives and guests have enjoyed to the utmost this convention held in the City of Biloxi, and

WHEREAS, we feel deeply indebted to the Harrison County Bar Association for the splendid program of entertainment they arranged for our pleasure, and for the fine work done by Hon. R. A. Wallace, President of the Harrison County Bar Association, and by his commit-

tees, and by Mrs. W. L. Guice, and her committees, in planning the entertainment for the members of the Bar and their wives, and

WHEREAS, we are indebted to the Mayor of Biloxi, Hon. G. B. Cousins, Jr., and all the other city officials, for the splendid welcome given us, and for the hospitality extended and for the patience manifested, and

WHEREAS, we are indebted to the management of the Buena Vista Hotel for the splendid service we have received during this convention, where nothing has been left undone by the management of the Buena Vista Hotel and other hotels that would add to our comfort and pleasure during this convention, and

WHEREAS, we are indebted to the press for their fine spirit of cooperation and for the generous space they have given us in the columns of their papers preceding and during this convention.

THEREFORE, BE IT RESOLVED, that we do now express our sincere appreciation to the Harrison County Bar Association and to Hon. R. A. Wallace, President, and his program committees, and to Mrs. W. L. Guice, chairman of the ladies' entertainment committee, for the contribution they have made to the success of this convention, and express to Hon. G. B. Cousins, Jr., Mayor of Biloxi, and the other city officials, and to the management of the Buena Vista Hotel and other hotels, our appreciation of their hospitality and contribution made to the success of this convention and express to the press our appreciation for the contribution they have made during this convention.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of our association and a copy be furnished the press.

WHEREAS, the Eightieth Congress of the United States of America by Joint Resolution of the Senate and the House of Representatives has proposed an amendment to the Constitution of the United States relating to the terms of office of the President, which resolution is as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

"Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

NOW, THEREFORE, BE IT RESOLVED by the Mississippi State Bar that it is the consensus of the Mississippi State Bar that Mississippi should promptly ratify such amendment to the Constitution of the United States;

BE FURTHER RESOLVED that a certified copy of this resolution be filed with the Governor and the Legislature of the State of Mississippi.

WHEREAS, the Supreme Court of the United States recently handed down a decision in the case styled the *State of Cal. vs. U. S. A.,* which held that the federal government and not California owned the tide water lands on the California coast even though California has claimed these lands as their own inside the three-mile limit ever since she became a state and has exercised ownership and control of these waters and the soil for navigation, oil development, fishing industry and as pleasure resorts, etc., and

WHEREAS, Mississippi and other states that border on the gulf or the ocean, while probably not directly affected by this decision, are vitally indirectly affected, and the reasoning used in this opinion could easily adversely affect the Mississippi Sound over which Mississippi has exercised ownership and control ever since she became a state and even while she was a territory and even though the boundaries of our state are described by metes and bounds in our constitution and the federal government accepted this metes and bounds description when we were admitted into the Union, which provision provides that boundaries of this state shall run six leagues from shore including all of the islands and to the thread of the Pearl River, etc., yet we are vitally concerned in this recent decision, and

WHEREAS, the last Congress enacted into law a bill quit-claiming to the coastal states the tidewater lands claimed by the states since their admission to the Union and over which they had exercised ownership and control but the President of the United States vetoed this bill and stated that it was a matter for the courts to decide, and

WHEREAS, since the Supreme Court of the United States has held that the federal government owns these lands in fee simple the Congress certainly has the power to convey the lands back to the states if it sees fit, and

WHEREAS, there is pending in Congress now proposed bills or resolutions authorizing the conveyance back to the states of these tidewater lands in controversy,

NOW, THEREFORE, BE IT RESOLVED that we the members of the Mississippi State Bar in annual convention assembled do by this resolution memorialize Congress to enact into law necessary legislation to restore to the states affected the ownership and control of these coastal lands bordering on the various states affected, and further that we urge our senators and congressmen in Washington to support appropriate legislation to effectuate this purpose.

BE IT FURTHER RESOLVED that a copy of this resolution be spread

upon the minutes of this association, a copy be furnished our senators and congressmen in Washington, and a copy be furnished the press.

WHEREAS, Hon. R. C. Stovall, President of the Mississippi State Bar, has given generously of his time during the past year in serving as President of the Bar, and

WHEREAS, the members of the Mississippi State Bar have benefited greatly by his fine program and the progress that has been made under his administration; therefore, be it resolved that we, the members of the Mississippi State Bar in annual meeting assembled, express to R. C. Stovall, our president, our appreciation for the untiring effort he has put forth and the personal sacrifices he has made in the past year in carrying out a successful and constructive program.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of the association, and copy furnished the President and the press.

Mr. Clark stated that the committee was indebted to Judge John Stennis of DeKalb for preparation of the final resolution, to-wit:

WHEREAS, the leading Nations of the World have entered into a plan for the preservation of the peace of the world and the establishment of a world order based on law and justice, under the plan as set forth in the charter of the United Nations, and,

WHEREAS, the first two post-war years have made it even clearer that the grim law of necessity makes the successful and effective operation of this plan, or a similar plan, necessary for the preservation of civilization, and,

WHEREAS, the discovery of atomic energy has greatly accentuated and multiplied the problems of international relations, and has released a power which, if not properly and effectively harnessed and controlled, can quickly destroy civilization, and

WHEREAS, through the machinery of the United Nations, and particularly through the World Court contained therein, there lies the possibility of developing, case by case, and precedent by precedent, an international common law, or an international Bill of Rights for all civilized nations that will eventually lead to a world conception of justice, and therefore world peace, and,

WHEREAS, the strong and vigorous leadership for the practical operation of this great world-wide forward step in statecraft must necessarily come from our own great nation and from leaders in our nation who are not merely thinking of the next election, but who are thinking of the next generation, and,

WHEREAS, all great forward steps in the governments of the world that insure individual freedom and the dignity of the human soul have been fostered and accomplished and perpetuated by the leaders and by the rank and file of our profession who have always held high the

torch of liberty and have given light and leadership in all worthwhile governmental matters, and,

WHEREAS, it is clear that our profession is again called on to take the lead in developing the ideas of constructive statesmanship, not only in the actual operation of the United Nations, but in making our people conscious of its necessity and familiar with its terms and motives, and,

WHEREAS, we all look to the future and invision the time when the Lion of England ceases to roar, and when the dear old Eagle of America will hold his wings in peace, and when the leaders of all nations shall join hands in a great circle of friendship, and as they march round and round and sing, not their national anthems, but THE INTERNATIONAL ANTHEM, PEACE ON EARTH, GOOD WILL TOWARD MEN.

NOW THEREFORE BE IT RESOLVED:

1. That we realize the necessity of an effective worldwide plan of the type of the United Nations and commend the President of the United States, the State Department, and the American Congress for their support and leadership therein.

2. We urge a reasonable extension and strengthening of the powers of the United Nations, and particularly the World Court.

3. We urge a strict adherence to our own obligations and also the positive and unyielding requirement that all other nations be required to carry their part of the common burden. We do not want to buy good will, but want good will of the nations based upon the justice of our position and our willingness and ability to sustain that position.

4. We urge that the United Nations be forever kept above the plane of partisan politics.

5. Believing that the eventual success of the United Nations depends upon the interests and support thereof by the United States, we pledge ourselves individually and collectively to inform the leaders and the rank and file of our people as to the operation and necessity of the United Nations and the probably disastrous effects of its failure to function and expand.

6. That a copy of these resolutions be forwarded to the President of the United States, a copy to the State Department, and a copy to the members of the Congress of the United States elected from the State of Mississippi.

Each of the resolutions proposed by the Committee on Resolutions was adopted by the convention.

The report of the Budget Committee was presented by Mr. Robert W. Thompson, Jr. of Gulfport. Other members of the Committee were: Mr. Everette G. Truly, Jr., Mr. J. D. Thames, Mr. T. J. Tubb, and Mr. Leslie Darden.

REPORT OF THE BUDGET COMMITTEE

The Budget Committee submits herewith its report and recommendations for the fiscal year 1947-1948.

We have carefully examined the Audit prepared by Dick D. Quin & Company, Certified Public Accounts, covering the past fiscal year closing as of May 31, 1947, and certified to by them on June 14, 1947. From an examination of this Audit, it appears that the Mississippi State Bar is in excellent condition but that the expenditures for the fiscal year 1946-1947 exceeded the Budget for the same period of time. This increase was occasioned in large part by the general rise of costs of all commodities throughout the country.

An examination of the schedule of delinquent members still shows a balance due slightly in excess of $2,000.00. This contrasts, however, quite favorably with the $4,000.00 delinquency one year ago and attests the diligence with which the collection of these dues has been pursued, and your Committee recommends a vigorous continuation of this policy.

Because a large number of attorneys have returned from service, the revenues have been substantially increased so that in the judgment of the committee, there should be some increases granted in certain departments. During the war, the Mississippi Law Journal suffered more severely than any other because of the necessity to curtail sharply its annual appropriation. Its representatives accepted this fact very graciously and have done their utmost to comply each year with the recommendations so made. They have asked this year for an appropriation of $3,000.00. Your Committee feels that this request is reasonable and should be granted in view of our increased revenue.

The Junior Bar Section requested $300.00 last year and received this amount, and this year we have increased this amount to $500.00.

We recommend the following Budget for the fiscal year 1947-1948:

Secretary's Salary	$1800.00
Mississippi Law Journal	3000.00
Junior Bar Section	500.00
Bar Commissioners' Expense	650.00
Committee Expense (This item includes Memorial Services, Legislative Committee expense, and investigating and disbarment expense)	500.00
General Office Expense	600.00
National Conference of Commissioners on Uniform State Laws	150.00
Miscellaneous Expense	450.00
	$7650.00

President Stovall announced the next order of business to be election of officers.

Mr. Stokes V. Robertson of Jackson was nominated for the presidency of the Mississippi State Bar by Mr. Leon Hendricks of Jackson. The nomination was seconded by Mr. Charles Tindall of Greenville.

Mr. Lee Guice of Biloxi was nominated for the presidency of the Mississippi State Bar by Mr. Bidwell Adam of Gulfport. The nomination was seconded by Mr. Robert Kelly of Vicksburg.

On the motion of Mr. Lester Clark the nominations were closed. The vote was taken and Mr. Stokes V. Robertson elected President of the Mississippi State Bar.

Mr. Jacob Guice of Biloxi was recognized by the chair and stated that Mr. Lee Guice had requested that he move the vote be made unanimous and that Mr. Robertson be made president by acclamation. The motion was carried and Mr. Robertson was declared the unanimously elected president.

Mr. Quitman Ross of Laurel was nominated for the office of First Vice-President by Mr. Carroll Gartin of Laurel. The nomination was seconded by Mr. Robert Hauberg of Jackson. Mr. Ross was unanimously elected First Vice-President.

Mr. W. Arlington Jones of Hattiesburg was nominated for Second Vice-President by Mr. L. B. Porter of Union. Mr. Jones was unanimously elected Second Vice-President.

Bar Commissioners were then elected from each of the circuit court districts as follows:

1. Tom A. Clark, Iuka
2. R. W. Thompson, Jr., Gulfport
3. Leslie Darden, New Albany
4. Jerome Hafter, Greenville
5. John F. Allen, Kosciusko
6. Everette Truly, Jr., Fayette
7. John Satterfield, Jackson
8. Roy Noble Lee, Forest
9. James Thames, Vicksburg
10. James T. Singley, Meridian
11. W. B. Alexander, Cleveland
12. J. Kearney Travis, Hattiesburg
13. W. W. Dent, Collins
14. Pearce Phillips, Brookhaven
15. Lampton William, Poplarville
16. J. E. Caradine, West Point
17. J. H. Caldwell, Sr., Charleston

President Stovall announced the next order of business to be selection of the place for the 1948 annual meeting and recognized Dean R. J.

Farley of the University of Mississippi School of Law. Dean Farley extended an invitation on behalf of the University that the 1948 meeting be held at the University of Mississippi which will be celebrating its one hundredth anniversary. The members of the Mississippi State Bar would be guests of the University and of the local bar associations in neighboring counties of North Mississippi.

The convention voted to hold its 1948 meeting at the University of Mississippi.

Mr. Toxey Hall of Columbia was unanimously elected delegate to the American Bar Association convention.

The convention was then adjourned.

PROCEEDINGS OF THE ELEVENTH ANNUAL MEETING OF THE

Junior Bar Section

Held in the City of Biloxi, Mississippi, on the 26th of June, 1947

The meeting was called to order by the Chairman, Mr. William N. Ethridge, Jr., of Jackson, who then called upon Mr. Charles Tindall, Jr., of Greenville for the invocation.

Mr. Archie Dickson of Gulfport was recognized and made announcements relative to the Junior Bar dance for the evening.

REPORT OF COMMITTEE ON CIVIL AND CRIMINAL PROCEDURE

Mr. William Keady of Greenville presented the report of the Committee on Civil and Criminal Procedure, which is printed *supra* page 511 in the Proceedings of the Mississippi State Bar Convention. The discussion on the report was as follows:

Mr. John Hollis of Carthage: The qualifications prerequisite for the appointment of a lawyer on this Advisory Committee—that he be successful in both state and federal courts—strikes me.

In the first place, that is a relative term. In the second place, there are many good lawyers in the State of Mississippi that practice in small country towns and have seldom, if ever, practiced in the federal courts. Now, it seems to me that to make eligibility for that committee dependent upon one's practice in the federal courts would be very harsh indeed. As a matter of fact, it would limit the appointment of those members of that committee to members of the Bar residing in Jackson, Columbus, Vicksburg, Hattiesburg and your metropolitan centers in Mississippi. I for one hold to the belief we have lawyers in the rural areas of Mississippi that are quite capable of advising in the matters of civil procedure even though they are not successful practitioners in the federal courts. For that reason I do submit that it would be best to strike out from that proposed piece of legislation the requirement that a lawyer must be a successful practitioner in the federal courts.

Mr. James Eaton of Gulfport: I believe the objection of Mr. Hollis would be reached by changing that "and" to "or".

Mr. Keady: We could leave out "federal" and say "five years experience as active and successful practitioners in the state courts."

Mr. Eaton: As far as the federal courts are concerned, whatever is the good experience of the federal rules of civil procedure would want to be availed of by this Advisory Committee. It was anticipated that some of the members of the committee would be in any event those familiar with the rules of federal procedure and I believe if it is said that they would be "successful practitioners in state or federal courts" it would reach the objection of Mr. Hollis.

MR. KEADY: That's right. That is a mere detail to my mind. Just so you get men on it interested . . .

MR. HOLLIS: We don't want to limit it to a small group of lawyers.

MR. KEADY: I don't believe you would. If you understand the general set-up, I think if there is anything we have done in the act it is to use all the checks and balances we could to distribute the responsibility pretty widely. I may say this further along that line. A number of suggestions have come to me from some of the committee. Mr. Ethridge suggested that the terms of office for this valuable committee should be staggered, all providing for six years. I think so, too. That is again a detail. The question we want to present is whether this is the right way to accomplish what is a crying need in the feeling of the Bar. This plan has merit and if we get behind it additional attention would be given to those details.

MR. JOHN KUYKENDALL, JR., of Jackson: I would like to ask why the committee requires that the legislature approve these rules of procedure. You condemn the action of the legislature in the past and their procedure there. Now it appears to me what you will have if this is adopted are the acts of the legislature plus the Supreme Court rules. In other words, you are going to have two stacks of law there; and you draw up a good sensible set of rules, have the Supreme Court approve it, submit it to the legislature and they could throw in one or two acts that would wreck your whole set of rules.

MR. KEADY: That is a good question. That bothered our committee no end. We concluded this. First, it would be more palatable to the legislature to pass this bill with the language in there that it would be submitted back to them. We felt if that enactment is passed and the lawyers and judges of the state do the job they should do they will turn in a set of rules that, with the power of the Bar Association back of those rules, and the Bar will be behind them, it will be mighty hard for the legislator to attack. The legislature has the power anyhow, whether we submit the rules back or not. They can make any statutory enactment. We can't take that power away from them.

MR. GEORGE SCHWEIZER, JR., of Greenville: You mentioned that some of the details could be worked out. Wouldn't it be better to work them out now: the staggering, etc?

MR. KEADY: If the Junior Bar approves this and the Senior Bar approves it, we will follow up with a resolution to advocate the passage of the statute and have the President appoint a committee to work up any additional details that come up. What we submit you here is a bill that will do the job in the essentials.

The report of the Committee on Civil and Criminal Procedure was adopted by the Junior Bar with the word "or" substituted for the word "and" in the section dealing with qualifications of members of the Advisory Committee.

Mr. L. A. Wyatt of Jackson presented the report of the Code and Study Committee.

REPORT OF THE CODE AND STUDY COMMITTEE

Our title is Code and Study Committee. We have nothing to do with securing the enactment of statutes by the legislature. As I conceive our function it is to make recommendations to our group of the Junior Bar Section and those matters which are approved and adopted by you would in turn be passed on to our Legislative Committee, and it would be their function to see that those matters are adopted.

The first thing our committee recommends is that the jurisdictional amount of the county courts throughout the state be increased from $1,000 to $3,000, and that Sec. 1604 be so amended. Instead of county courts' jurisdiction being limited to suits involving $1,000 or less, it is the recommendation of your committee that the county courts be empowered to hear civil cases up to and including the sum of $3,000. The purpose of that is perfectly obvious and I will pass on to the next one.

We also recommend that the salaries of judges in Mississippi be raised as follows: the Supreme Court Judges to $10,000 a year; Circuit Court Judges and Chancellors to $7,500 a year; County Court Judges to $5,000 and District Attorney to $5,000. Our purpose in that is that we feel there are no more important offices in the state than our judges. I don't think anybody would deny they are the very bulwarks of good government. We therefore feel we must attract into those positions the best men that Mississippi can produce. We therefore recommend that Sections 4175 and 1608 be amended accordingly. It was our committee's opinion that this is probably one of the most important changes we will recommend.

We have a recommendation that the statute of limitations on personal injuries be lowered from six years to three years. A new statute should be adopted covering the statute of limitations in personal injury actions.

We next recommend the revision of our statute relating to appeals to the Supreme Court. Section 753 is found in the chapter on Statute of Limitations and it simply says appeals to the Supreme Court shall be taken within six months. Hear what also it says. It has a "savings clause" as to minors and people of unsound mind. And it means that those under disabilities have six months in which to perfect an appeal after their disability ceases. If a person remains insane for fifteen years, he has six months to appeal from a decree taken fifteen years and six months ago. Our committee thinks that is a bad law.

Now that section is further complicated in our Code by Section 1640 which is found under the chapter of Court Reporting, wherein it is required in making an appeal to the Supreme Court that one give notice to the reporter to transcribe her notes within ten days after the adjournment of the court. Here is the catch: Section 1640 has no provision in regard to a "savings clause" in regard to minors and those under disability. Taking Section 1640 with Section 753, it is impossible to tell

whether a minor whose representative fails to give the statutory notice of ten days to the reporter to transcribe her notes would be barred by that failure.

As we studied this proposition of appeals further, we find that the statutes relating to appeals are located under three different chapters: Appeals, Court Reporting, and Statute of Limitations. It is our recommendation specifically and immediately that Section 753 of the Code, which provides six months within which an appeal can be perfected, be amended to accomplish two objects: 1. To cut down the six months period in which appeal may be taken to three months; 2. That the "savings clause" in that statute be eliminated entirely.

We recommend that our general venue statute, Section 1433, be amended so that a tort action might be brought in the county where the tort occurred and if it is so brought that the defendant shall not have the option, as a matter of right, to transfer the case to the county of his residence. A man certainly should not have to go out of his county of residence to defend a law suit where he himself didn't leave his county and by so leaving bring about a law suit. As we conceive it, a man living in Corinth, Mississippi, leaves Alcorn County and comes down to the coast. While in Gulfport he drives his car recklessly and injures a resident of Gulfport. We can see no reason why that case should be tried in Corinth, Mississippi. Our recommendation is the statute be changed to that effect.

Our next recommendation is that Section 1228 of the Code, which refers to the power of the chancellor in vacation to hear and try causes, be amended to this extent. Those of you who are familiar with that statute know that the first two or three sentences of the statute give the power to the chancellor to try and hear causes in vacation with the consent of the parties. In 1940, Chapter 244, the legislature amended that statute and added a last sentence. The last sentence said: "In suits to confirm titles to real estate or to cancel clouds upon titles to real estate, a chancellor may try any cause, deliver opinions, and make and sign decrees therein in vacation." The point about that statute is this. The first part invests the chancellor with power to hear and try causes with the consent of the parties. In amending that statute, it is not certain by its present language whether or not you can have a suit to confirm title set down for hearing by the chancellor and tried in vacation without the consent of the parties. Our committee believes that the legislature intended to do that by the amendment. It is our recommendation that that section be amended to remove any doubt that it provides that suits to prove and confirm title or remove clouds on title may be tried by the chancellor in his discretion at any time he so desires upon proper request and we so recommend that to this group.

Now, we find that Section 3636 which relates to the minutes of municipalities has no provision requiring the governing authorities of the municipality to read and sign those minutes prior to the adjournment of any session. We therefore recommend that Section 3636 be amended to so require—that the minutes of the municipalities shall be read and

signed by the governing authorities before the adjournment of any session. We have that provision with regard to boards of supervisors and it has proved to be a wise one as far as our committee can determine.

Now there is a conflict in our statutes on the time within which a party may redeem a tax sale, for ad valorem tax sale on the one hand, and for special improvements tax sale on the other. You might have three years to redeem from a special improvement sale, whereas you have only two years from an ad valorum sale. We therefore recommend the amendment of Section 3680 to eliminate that apparent conflict and to make the period of special municipal improvement sales two years, the same as other periods. I might say that this recommendation came from the Attorney General of the State of Mississippi.

There is also nothing in our code which gives a land owner a simple procedure by which he can have land back assessed which has been sold to the state in a sale which is later held to have been void. It is felt there should be a statute which gives a man in those circumstances a right to have his land back assessed to clear any question of taxes to be put on the land. We recommend its adoption. We recommend amendment of Section 4073 of our present Code to remedy that situation.

Along those lines, we also recommend that Section 4147 of our Code be amended to accomplish this. It is somewhat the same situation I just mentioned. There are a number of instances where land has possibly been sold to the state back in 1925, 1920, or even back in the early 1900's. It is felt a statute which would provide in substance that if a person has paid taxes for twenty years on his property and has been in possession, and there has been no apparent action on the part of the Land Commissioners to assert title and no patents have been issued, that a statute and amendment to Section 4147 of our present Code would be in order to assure him that his title would be valid. This is a rather complicated subject. I am not going into it in detail. What it is is a statute of lost grant. It is felt it is a good rule and it would aid the Bar and certainly land owners to have it written into our statute.

We recommend that Section 415 of our Code be amended. Section 415 relates to the power of guardians of minors and insane persons to execute oil and gas leases. Now, Section 414, the preceding section, also relates in a general way to the disposition of a minor's real estate, and in Section 414 there is this limitation: that the guardian may lease or sell real estate but no lease may extend beyond the time when the person becomes 21 or the disability is removed. You can immediately see this situation. Suppose a minor owns some land. He is nineteen years old. There is doubt as to whether the guardian would have the power and authority to execute an oil and gas lease for the usual ten-year period. It is recommended by our committee that Section 415 be amended so as to eliminate any conflict between it and Section 414.

We recommend the passage of an amendment of Section 759 so as to provide the attorney of record of the party causing notice to be entered in the lis pendens record may direct the clerk to cancel any notice en-

tered in the lis pendens record. We also propose to include in there a seven-year statute of limitations on all lis pendens notices.

We recommend Section 910 of our Code be amended so as to provide that a landlord has the right of attachment for rent and supplies for rental property in a city as well as property classed as agricultural. At the present time the way the statute is worded in Section 910 such a right and remedy is granted only to landlords of agricultural property.

We recommend the amendment of Section 1389 which relates to the private sale of real estate through court procedure. Under the present section, if you had to go into court and ask the chancellor to grant a decree authorizing the private sale of property all parties having any remote interest in that would have to get an order to have the sale. Then when the time comes to confirm you have to bring them all back into court for the new process. It is the opinion and recommendation of our committee that nothing is served by requiring the parties to all be present at the hearing to confirm. The chancellor, all parties being present, has already issued a decree on certain terms and conditions. It is our opinion that if the sale has been held in accordance with the prior decree it is unnecessary and expensive to have those parties brought back into court.

We recommend that the Junior Bar Section appoint a committee to study the Constitution of Mississippi and to report to this group its findings on whether the State of Mississippi needs a new constitution.

We received a number of requests relating to the time within which claims may be appropriated against an estate. The majority of letters we received thought six months was too long to allow the estate to be held open. It was the opinion of our committee and we so recommend, that Section 556 be amended so only three months time will be allowed within which claims may be probated against an estate.

We recommend the complete repeal of Section 5345 of the Code. Section 5345 reads in substance like this. A foreign corporation found doing business in Mississippi may be sued here whether the cause of action accrued here or not. Section 5345 has been construed by our Supreme Court, in our committee's opinion, to mean the exact opposite of what we think the legislature intended. Our Supreme Court held that statute meant that a foreign corporation couldn't be sued in Mississippi for actions committed in Mississippi unless at the time the suit was brought the foreign corporation was still doing business in Mississippi. We think that is a bad law. This is leaving aside process—that has nothing to do with process on foreign corporations. It goes to the very essence of jurisdiction. We think that a foreign corporation which commits an act in this state while doing business here, if you can get process, certainly should be answerable to a suit in our courts for those acts whether the foreign corporation is doing business here or not at the time the suit is brought. We feel that section having been, in our opinion, misconstrued by the Supreme Court some years ago, should be repealed.

We have received a number of requests from various lawyers pointing out that there should be some effective check made on executors, ad-

ministrators and guardians who are delinquent in their acts so that the chancellor would be advised of any delinquencies. We find we have a Section 634 of our Code today which is in our opinion a most effective statute to cover that situation and one which we feel Chancery Clerks throughout the state are entirely ignoring. We recommend that the Bar take steps to have that section brought to the attention of the Chancery Clerks.

We think Section 1523 which relates to the power of the circuit judge in vacation should certainly be amended. The circuit judge in vacation should have the power upon motion duly made to transfer a case to chancery court. We think further that the whole subject of the power of a circuit judge in vacation should be studied with the view of increasing their power. They are very limited.

The various proposals of the Code and Study Committee were voted on separately. All were approved with the exception of the proposal to amend Section 3636 of the Code so that municipal authorities be required to sign the minutes of their meetings at the conclusion of each session and the proposal for amendment of Section 910 of the Code. The recommendation that Section 1433 be amended was tabled on motion of Mr. William Keady of Greenville.

Judge J. P. Coleman of Ackerman went on record as follows:

JUDGE COLEMAN: I would like for the record to show that since I have been Circuit Judge I didn't have a chance to serve on the committee, didn't serve, and had no part in its deliberations. I say that particularly because you have a recommendation that salaries of Circuit Judges be raised. I don't want to be in the position of proposing that.

REPORT OF COMMITTEE ON LEGAL EDUCATION AND ADMISSIONS

The Report of the Committee on Legal Education and Admission to the Bar was presented by Mr. Charles Tindall, Jr. of Greenville. This report is printed supra in these Proceedings at page 523. The discussion on the committee's report follows:

Mr. Tom Gardner of Biloxi moved as an amendment that graduates of the University of Mississippi Law School be required to take the State Bar examination.

MR. TINDALL: I would like to say a majority of the members of the Junior Bar Section Committee felt the same way Tom Gardner does, that it would be perfectly all right to require University of Mississippi graduates to take the bar examination. I think he will find most of the students will be in accord. It wouldn't hurt them. The reason for the proposal being in the form it is in is because your committee, after consulting with members of the State Bar, had this thought laid before us. The proposal has come from the two men in the Senior Bar Committee not graduates of the University of Mississippi Law School. They felt this way, that the institutions of the State of Mississippi, including the

University of Mississippi, need the backing of the Bar Association and the support of every citizen in this state including lawyers. Now, it is felt that if the University of Mississippi privileges will attract to the University as law students men from this state where they might not be attracted to go here if they didn't have that privilege it would be a well worthwhile proposition to keep it for that reason. I make that statement in fairness to the members of both committees.

MR. WARREN LUDLAM of Jackson: I would like to say this.

That motion to amend is a prety good one for this reason, that the bar examinations serve a purpose which the examinations at a law school do not serve. Given just prior to the time when a man goes into the practice of law they serve as a review. When a man goes into the practice of law he is required to have a good working knowledge, not only of one part of the law, torts, or contracts, but a good working knowledge of all the laws at his fingertips at all times. He wants to be able to make a snap decision. His business requires that time not be wasted by the lawyer going to a book and looking. He has to give snap judgment on the telephone. Therefore, I think the bar examinations serve the purpose of bringing together at one time all a lawyer learns in law school in three years. It serves as a refresher course. It takes everything the lawyer learns in the first and second year and brings it over into his mind at one time and is a proper method for the introduction to the practice.

Mr. Tindall said they wanted to encourage students to go to the University of Mississippi Law School. I think that is a laudable purpose to encourage. On the other hand, I don't believe the mere fact that a person graduating from the University of Mississippi will have preference in entering the practice of law without taking bar examinations ever entered into the minds of a prospective student of the law when he selected the school, and therefore, while I don't agree with everything Tom Gardner said at the time he made the motion to amend, I agree with the motion to amend. I do think it has merit. I would like to see that motion carried.

MR. JAMES EATON of Gulfport: I would like to make the observation that it is already a statutory provision in Mississippi that a graduate of the University of Mississippi Law School is not required to take the examinations.

The entire purpose of this report is the beginning of an effort to raise the educational requirements for admission to the Bar. It is a statute which we hope to get the legislature to adopt and if we include in that a provision which can be interpreted by the legislature as a slap in the face to the University of Mississippi Law School I don't believe it will be acceptable to the legislature. For myself I would have no objection to a provision that every applicant for the Bar would have to take the State Bar Examinations. I think it is something we ultimately can come to. For the purpose of getting started in a betterment of requirements for admissions to the Bar I think the report should be left as it is.

MR. GEORGE WOODLIFF of Jackson: I take just exactly the opposite view of Mr. Eaton as to the effect of this amendment. From my limited experience with the legislature, I would draw the conclusion it would be more readily palatable to the legislature with this amendment in it and for that reason I would like to urge you to insert this amendment.

MR. THOMAS MINNIECE of Meridian: I would like to second what Mr. Woodliff says.

MR. RAY STEWART of Picayune: About the University, I graduated up there myself. Mr. Tindall's argument that it would give a slap in the face to the University and reduce the number of students, it would do the reverse and make the school if anything. It is already a good one. A school rises and falls on its own merits and not on the statements of this committee. I think Mr. Gardner is right and I would like to say "Amen" to what he said.

MR. J. P. COLEMAN: I think a better solution would be this. Take the dean of the Ole Miss Law School off the bar examinations. I don't now any rule or reason he belongs on there. He has a job examining his bunch at the University. Let others pass on these boys who didn't go there. I think that would remove this objection instead of making University of Mississippi graduates take it. Let's don't start saying after a man goes to Ole Miss and passes every examination another board must yet pass on what he knows about the law.

MR. WALTER BRIDGFORTH of Yazoo City: When the commissioners deliberated about this they came to the decision that a member of the law school faculty would be a real aid to the other members of the committee in framing the examinations and conducting the examinations, and I for one would like to see that remain unchanged.

At the same time, I do agree with Mr. Gardner and Mr. Minniece, Mr. Stewart and Mr. Woodliff it would be wise to have the graduates of the University of Mississippi take the bar examination. I can see the arguments on both sides. I believe this amendment as it is now set before us, Mr. Gardner's amendment, is for the good of the Bar, the future Bar in Mississippi, and for the good of the State of Mississippi.

MR. GEORGE SCHWEIZER of Greenville: I think we are confusing the need for raising our requirements and the Ole Miss issue which I don't believe is in the immediate issue of raising the requirements. If we can get the requirements raised to three years, then as a graduate of Ole Miss I would vote and stump, do anything else to see they take the examination as everyone else. I think first let's work on the proposal as made by the committee and try to raise the bar requirements as a whole and let the other come up later.

The motion to amend the Report of the Committee on Legal Education and Admissions was rejected by the convention, thirty-six to eighteen. The convention voted to accept the report of the committee.

The report of the Committee on Public Relations and Information was presented by Mr. Charles Fair of Louisville.

REPORT OF COMMITTEE ON PUBLIC RELATIONS AND INFORMATION

This Committee was appointed by the Chairman of the Junior Bar Section in August of 1946 for the purpose of improving the relations between the lawyers of the State of Mississippi and the citizens of the State. It was felt that there was a definite need for the improvement of relations between the legal profession and the public in every manner possible, and for disseminating information through newspapers, the radio, public speaking and other forums of essential knowledge of the rights of every citizen granted him under the Constitution and Laws of the State and to impress upon him the necessary functions of the legal profession in assuring those rights. As is well known, and as our section Chairman has stated, "in the past few decades our relations with the public have deteriorated considerably because of many factors, among which are the unwarranted delays in obtaining a final judgment and the careless and irresponsible references to the legal profession made by various writers, cartoonists, speakers and the public in general". After this Committee was appointed, contact was made with the Chairman of the Public Information Program for the Junior Bar Conference of the American Bar Association, who advised that his program was planned to serve the same purpose as our Committee, and that there was a Director for each state. At that time Mr. Bernard W. Chill of the Jackson Mississippi Bar was the State Director. At the present time Mr. George H. Butler, Jr., of the Jackson Mississippi Bar is the State Director. In an attempt to serve the best interest of the Mississippi State Bar Association, and of the citizens of the State of Mississippi, it has been deemed advisable for this Committee to work in close cooperation with the State Director of the Public Information Program of the Junior Bar Conference of the American Bar Association. Therefore, the following recommendations are made:

That the Public Relations and Information Committee of the Junior Bar Section of the Mississippi State Bar be made a permanent Committee.

That the general objective of this Committee's program be stated as follows:

> "That the general objective of this program is to enlighten the citizenry on subjects which are vital to them and to our form of government and to create mutual understanding between the public and the lawyer to enable the legal profession to reach a high degree of public usefulness."

That the particular objectives be as follows:

> "To inculcate a deeper understanding of the American form of government and of the need for the citizen to exercise conscientiously his or her rights as a citizen.
>
> To inform the public concerning international relations and world affairs and especially concerning the United Nations Organization and the International Court of Justice.

To acquaint the public with the objectives and programs of the Mississippi Bar Association to improve the administration of justice.

To acquaint the public with the legal profession and the value of professional legal services."

That the State Director of the Public Information Program of the Junior Bar Association be made Chairman of this Committee.

That there be twenty-five other members of this Committee, and that they be selected from towns and cities in which there is located a radio station.

That this Committee be responsible to its Chairman, who is the State Director of the Public Information Program, and actively assist him in carrying out the Public Information Program of the Junior Bar Conference of the American Bar Association, and any othtr program outlined by its chairman.

The Report of the Committee on Restatement of the Law was presented by Huey B. Howerton, Jr., of Oxford.

REPORT OF COMMITTEE ON RESTATEMENT OF THE LAW

The name of this Committee, Restatement of the Law, is perhaps misleading. The Committee is not attempting to undertake any restatement of the Law. Its objective is the revival and continuation of the program of compiling and publishing Mississippi annotations to the various Restatements that have been issued by the American Law Institute. The function of the Committee is the publication, for each of the Restatements as yet unannotated in this state, of a separate supplementary volume containing court decisions and statutes in accord or conflict with the rules of law laid down in the Restatements.

This program of annotation was abandoned with the outbreak of war. Prior to that time Mississippi Annotations had been completed and published for the Restatements of Agency, Conflict of Laws, Contracts and Trusts. Not yet annotated are Judgments, Restitution, Security, Torts and Property; and their completion will be the future work of this Committee.

At the suggestion of Judge Herbert F. Goodrich, assistant director of the American Law Institute in Philadelphia, and with the approval of Chief Justice Sydney Smith, who is a member of the Institute's Council, our Committee has begun work on the Restatement of Torts; and annotations for the four volumes of that subject should be completed by the end of this calendar year. The work is proceeding under the general direction of Judge Smith, and completed manuscripts will be submitted to him and to Judge Goodrich before their publication and distribution to the members of the Mississippi State Bar.

We believe that the objectives and possibilities of this Committee are good, and that the Junior Bar Section through this Committee is in a position to render real service to the practicing lawyers of Mississippi.

We therefore recommend that the work of the Committee be continued; and we solicit, for Judge Sydney Smith and for ourselves, the cooperation of all of you in the pursuit of an expanded program.

The Report of the Committee on Unauthorized Practice of Law was presented by Mr. Charles Galloway of Gulfport.

REPORT OF THE COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW

The Committee on the Unauthorized Practice of Law hereby makes the following report of its activities for the year 1946-47.

The major activity of this Committee was a survey conducted throughout the State by Committee members for the purpose of determining the extent and nature of unauthorized practice in this State. This survey failed to bring to light any state-wide organization or group engaged in such activities. From the reports received by the Chairman of this Committee the unauthorized practice of law appears to be, at this time, a local problem, with the types of unauthorized practice and groups involved varying from place to place.

In the larger cities real estate agencies and self-styled "tax specialists" are responsible for the greater part of unauthorized law practice. In smaller towns justices of the peace and other county officials appear to be the principal offenders. The types of violators vary also according to area. For example, cotton associations are listed as one of the offending groups in reports received from the Delta.

In consolidating the reports regarding the offenders, the following may be listed as the groups most frequently engaging in the unauthorized practice of law:

A. Real estate agents.

The unauthorized law practice of these groups ordinarily consists of the drawing of deeds and deeds of trust by individual realtors. The quality of their work is reported to be poor, and, in many cases, the work must be corrected later by attorneys. These groups do not ordinarily charge for such services, but do the work in connection with their sale of property.

B. Justices of the peace.

These officials engage in unauthorized practice in various places, more generally in smaller towns and rural areas. Their work is reported to be of a very poor quality, frequently involving those who rely on them in legal difficulties which might have been avoided by proper handling of the matters. Reports received by this Committee indicate that there is seldom any charge made for this work other than notarial fees.

C. Tax specialists.

Tax specialists consist of bookkeepers, accountants, and, occasionally, C. P. A.'s. Their unauthorized practice of law ranges from the preparation of small tax returns to the drawing of complicated papers and even

including active practice before administrative bodies and the tax court. Ordinarily their activities are confined to the larger towns and cities. The situation regarding these groups is complicated by the fact that many attorneys are not willing or are not qualified to handle tax mattersa nd by the further fact that much of the work is done in connection with tax practice which legitimately falls within their profession. The quality of the work done by these groups varies from good to very poor. Because of the large amounts frequently involved, poor work in this field may have very serious consequences.

D. Chancery clerks.

These officers apparently step over the line by attempting to answer questions regarding matters recorded in their offices, more than through a deliberate attempt to practice law. No fees are charged for such work, but persons are frequently misled as to their rights.

E. Cotton associations.

Violations by these groups are reported only from the Delta areas. Their violations appear to be in connection with the drawing of contracts concerning their own activities and activities of their members. The quality of their work is reported to be not below standard.

The consensus of Committee members reporting is to the effect that, in most cases, the unauthorized practice of law in this State presents essentially a local problem and that corrective action can be better taken by local bar associations than by the State Bar Association. Many members doubted that full cooperation of their local bars could be had on a general drive against unauthorized practice of law, one outstanding exception being the Leflore County Bar Association which was reported as being 100% for an adequate program to prevent such practice.

In two cases the groups guilty of the unauthorized practice of law can probably be dealt with more easily at state level than at the level of local bars. Of these groups, the first consists of unauthorized tax practitioners. This committee feels that a rather comprehensive study should be made of this problem, including the desirability of more detailed education in tax law and administrative law, before approaching the main problem of dealing with unauthorized practice. If attorneys were generally qualified and willing to handle such work, a lesser problem might be presented. Perhaps the solution would lie in an agreement between lawyers and C. P. A.'s, defining the limits of their respective practice. However, the committee feels that additional study by specially qualified lawyers is needed.

The second of the groups that might be dealt with at state level is composed of chancery clerks and their deputies. The Lafayette County Bar Association has recommended that a letter be addressed to all Chancery Clerks by the Clerk of the Supreme Court, explaining what constitutes unauthorized practice of law, and it is believed that such action would very nearly eliminate this particular group as unauthorized practitioners.

The only active step to reduce unauthorized practice of law reported to this committee during the year was that taken by the Leflore County Bar Association which addressed letters to all local real estate agents setting forth the law on unauthorized practice and requesting that realtors refrain from preparing deeds. It was reported that the letters have had some effect in preventing such unauthorized practice.

This Committee recommends that a Committee on Unauthorized Practice be continued, and that the next Committee be supplemented by two sub-committees. The first sub-committee should be composed of Jackson attorneys who would be in a position to discuss with State officials and with State Associations of all groups which engage in unauthorized practice, the problems presented by such practice, and to investigate the possibility of state-wide agreements defining the limits of the activities of such groups. The second sub-committee should be composed of attorneys specially qualified to study the problem of unauthorized tax practice, and report the extent of the problem and suggested remedies.

This Committee also recommends that the State be surveyed from time to time to determine the nature and extent of unauthorized practice in general and to ascertain the attitude of the Bar towards state-wide action to prevent such practice.

MR. KEADY of Greenville: Let me say that in Washington County our bar association adopted a resolution and sent it out to bank presidents and real estate agents who don't practice law. I think what you report about the advisability of having a committee of the Bar Association contact the Certified Public Accountants Association and work out an agreement on the area of work they can each do is very important. We are not talking about small potatoes, but big practice. There should be some understanding between the lawyers on the one hand and the certified public accountants on the other as to who is going to do the tax work and what that means.

MR. EATON of Gulfport: Following what Mr. Keady has said, I do know there has been a committee of the Amtrican Bar Association that has drafted a tentative line of delineation. It was reported in the American Bar Journal of one month of the last year. I think the committee next year could use it as a model to work on.

The report of the Civil Rights Committee was presented by Mr. Joe H. Daniel of Jackson.

REPORT OF THE CIVIL RIGHTS COMMITTEE

A civil right may be defined as one which appertains to a person by virtue of his citizenship in a state or community, a right accorded to every member of a state or nation, or a right which the municipal law will enforce at the instance of a private individual for the purpose of securing to him the enjoyment of his means of happiness. In its broadest sense, the term "civil rights" includes those rights which are the outgrowth of civilization, the existence and exercise of which necessarily follow from the rights that repose in a subject of a country exercising self-government.

The term "civil rights" is also applied to certain rights secured to citizens by the 13th, 14th and 15th Amendments to the Constitution of the United States or by various acts, state or federal.

It is not the purpose of this report to discuss the broader field set forth first above, but rather it is limited to those rights which have had judicial recognition from the Supreme Court of Mississippi and the Supreme Court of the United States within the past year and to those which have been the subject of legislative action during the same year as being within the protection of the 13th, 14th and 15th Amendments.

The scope of this report is further narrowed by elimination from it of cases which at first glance appear to involve civil rights but which are actually nothing but ordinary crimes, such as murder, rape, sedition and various charges of assault with intent. Regardless of the often-repeated accusation by minority groups that the trials in which negroes are the defendants, ipso facto, result in a violation of the civil rights of such defendants, such accusations usually are not well founded in fact—at least insofar as recognition by our courts is concerned.

The only case from the Supreme Court of the State of Mississippi during the past year which bears directly upon the question of civil rights, as defined above, is that of *Patton vs. State,* — Miss. —, 29 So.(2d) 96, in which case the appellant, a negro, was convicted in the Circuit Court of Lauderdale County of the murder of a white man. There counsel for defendant made a timely motion to quash the indictment because no negroes were on the grand jury panel, although there were qualified negro voters in the county. The court stated and reaffirmed the principle that the intentional and arbitrarily systematic exclusion of negroes from the grand and petit jury lists solely because of race or color denies equal protection of the laws. A review of the evidence given on such motion reveals that qualified non-exempt white jurors outnumbered qualified non-exempt negro jurors by 400 to 1 and that negroes were placed on the jury lists in approximately that proportion. The court concluded that to have placed a larger proportion of negroes on the jury list "would have been to discriminate not against negro jurors but in their favor." Compare *Smith vs. Texas,* 311 U.S. 128, S. Ct. 146, 85 L. Ed. 84, where it was held that on the evidence there presented, discrimination was present and the conviction of appellant was reversed. A petition for certiorari was granted in the Patton case on June 23, 1947. The fight that is being made and is going to be made in the future on this point is demonstrated by a quotation from a letter to this Committee from a representative of the National Association for the Advancement of Colored People, New York, New York, as follows:

> "In judicial proceedings in the South generally, as you know, negroes are systematically excluded from both grand and petit juries and this, I believe, is wholly true in Mississippi. In the matter of judicial proceedings, I think it would be the consensus of persons working in the civil rights field that this constitutes impediment to the administration of equal justice in the South.

> "I am sure that you are familiar with the cases in the Supreme Court which have ruled upon the fact that the systematic exclusion of negroes from grand and petit juries constitutes a violation of equal protection clause of the 14th Amendment, but for your convenience, I would refer you to 12 C.J.S. Constitutional Law 540 and *Norris vs. Alabama,* 294 U.S. 587, *Pierre vs. Louisiana,* 306 U.S. 354, and *Smith vs. Texas,* 311 U.S. 218.
>
> "Little progress has been made in any of the southern states towards the elimination of this wide spread violation of constitutional rights and while it is hoped that there will be a voluntary reform over a period of years on this score, most civil rights organizations feel that not until the question is raised in many trials concerning negroes and the state is forced to the expense of appeal on this issue will the practice be eliminated."

Although not appearing as a part of any judicial proceeding, the activities of the Special Committee to Investigate Senatorial Campaign Expenditures for 1946, a Senatorial investigating body, comes within the purview of this report, in that it was contended that Senator Theodore G. Bilbo resorted to fraud and coercion to deny to negroes the right to vote in the white democratic primary of 1946, in violation of the Constitution of the United States. At a public hearing conducted in Jackson, Mississippi, on December 2-5, 1946, approximately 100 witnesses appeared, of which witnesses, approximately two-thirds were complaining witnesses.

Numerous groups who concern themselves primarily with civil rights throughout the country have taken great interest in this investigation. In the "Statement of the American Jewish Congress presented to The President's Committee on Civil Rights," this comment is made:

> "On January 3, 1947, the Special Senate Committee to investigate Senatorial Campaign Expenditures, pursuant to Senate Resolution 224, filed a majority and minority report which reveals flagrant intimidation of Negroes in the Mississippi primary of July, 1940. Yet no action has been taken to date, despite clear-cut violations of Federal law (8 U.S.C. Section 31, 18 U.S.C. Section 52)."

After this hearing, which lasted four days, and in which there were 849 pages of testimony, exclusive of exhibits, the report of the committee was filed. The report, which begins with a statement that "the open hearings were conducted in the Federal Court Room, without incident in a fine, peaceful and cooperative atmosphere," recites that:

> "As a United States Senator, sworn to uphold the Constitution of the United States, as a former State Senator, Lieutenant Governor, and twice elected Governor of the State, and as a law-abiding citizen, we must presume on the whole record in the light of the known historical background of the population of Mississippi, that Senator Bilbo was not urging and

did not urge, counsel, advise, or incite violence or law violations by any officer or citizen but that he did urge his concept and that of at least 95 per cent of all other White Mississippiians, regardless of political party preference, including some Negroes, of the Constitution and legal right to require strict compliance of Negroes with qualifications to register and to participate in Democratic Party Primaries in Mississippi."

In the summary of the report, it is concluded that:

". . . there is no proper, material, or conclusive evidence that his utterances or actions in his campaign in the Democratic Primary either tended to or did incite to violence or disregard or defiance of the Constitution or Law of the Land . . ."

One additional feature is within the scope of this report—and that is the revision of the primary laws by the Special Session of the Legislature, last spring. Since all of you have undoubtedly received copies of the laws, and since most of you have probably made some study of these laws, it is not considered necessary to make any analysis here of the effects of such laws. Reference is made to House Bill No. 36 and House Bill No. 38, Extraordinary Legislative Session, 1947.

MR. J. P. COLEMAN of Ackerman: I would like to ask this question. The report quotes from letters received from certain civil rights organizations with reference to the system of jury selection in Mississippi. Does this report intend to leave the impression that civil rights are violated regularly, habitually, or irregularly in Mississippi.

MR. DANIEL: Not in Mississippi. We found no evidences of violations in Mississippi reported to any members of the committee by any of the civil rights organizations or any other persons which are actually charged to be civil right violations.

The convention was recessed until 8:25 in the evening.

THURSDAY NIGHT SESSION, JUNE 26, 1947

Chairman William N. Ethridge, Jr. opened the evening session by introducing Mr. Bernard Chill of Jackson who introduced the principle speaker of the evening, Mr. James D. Fellars, Chairman of the Junior Bar Section of the American Bar Association. Mr. Fellars' address follows:

ADDRESS OF JAMES D. FELLARS

MR. FELLAR: Tonight I want to talk to you about the obligation we, as lawyers, owe to the public and the opportunities we have for fulfilling that trusteeship.

A number of years ago Teddy Roosevelt said, "Every man owes a portion of his time to the upbuilding of the profession to which he belongs." I would like to tell you that the majority of the 6500 members of the Junior Bar Conference subscribe to that theory. I wish that

I could say that all lawyers practice it. But the question is always being raised, "How much time and when do I have to give it?"

In the dark days following Pearl Harbor, before this great country of ours had really gotten into war production, the pitiful cries of our men overseas came home. "We are not getting enough and we are not getting it soon enough." On an island called England, Churchill raised his voice, "It's too little and too late", and here in this country as well, our President sounded the clarion call, "Too little, too late." And even though we thought we were putting every possible ounce of endeavor into war production, this cry was what we needed to get over the hump.

There are thousands of lawyers in America today who well might sound that call in future years, "Too little, too late." *Too little* attention to, shall we say, public relations, and *too late* with what little we had.

Already laymen are expressing dissatisfaction with current methods of judicial selection. Many are complaining that the procedure of our courts is unnecessarily complicated and does not render the real service which it should in the disposition of controversies. At a meeting of industrialists in the State of New York, it was resolved to adopt a policy of non-litigation. That is going rather far. Admittedly much of the criticism of the bench and bar is justified, but a great deal of the layman's conception is due to the fact that he has not been fully informed as to what the lawyers and the judges are doing for their profession, for the improvement of justice, and in the public interest.

That situation is a challenge to our profession. It is up to the organized bar to take the lead in dignified educational campaigns—advertising, if you please, what the legal profession is doing to reach a high degree of public usefulness. We younger lawyers are the ones who can put that job over in our state and local bar groups.

As you know, until very recently, the bar associations, national, state and local, gave little if any opportunity for expression or service in bar work to the younger men. Officers, sections and committees were composed of the established elders in the profession. Of course, these men were able, of high repute and, usually, successful practitioners with important and varied interests. True to the tradition of elders, they have moved conservatively. As busy and successful practitioners, they escaped immediate contact with some of the vital problems confronting the profession. This combination of characteristics in these leaders, in a large part, was responsible for bar associations being called "do nothing" organizations, or pleasant social clubs holding annual dinner-meetings where committees are appointed and discharged after filing their reports.

I recall with great amusement, and some alarm the experience of Dean Arthur Vanderbilt when he was President of the American Bar Association. During his term, he directed an inquiry to every state and local bar association in the United States, asking them to review and report on their achievements during the preceeding ten-year period. The replies were priceless. In one Western state, for example, the sole

achievement which the Bar had accomplished over ten years was to induce the judges of their Supreme Court to wear gowns in court. There was nothing else to their credit. Some of the local associations made reports like this: One had thirty-one members and thirty-seven committees. Another had only one committee—the Committee on Annual Picnics. Its Secretary added, and I am quoting exactly, "And a damn good one it is." Some of the answers were so funny that they are pathetic. I believe that this attitude has had a great deal to do with the growing development of the Junior Bar movement.

That the younger members of the bar should band together is a natural and desirable process. We have a common point of view as to the more serious problems confronting the bar. It is mainly our battle, and we must fight it. We have more time to devote to the cause. Our interests have not yet become conflicting and therefore we can work for the best interests of the profession, wholeheartedly and unselfishly.

A form of organization of our own makes for an esprit de corps and provides a flexible agency for getting things done. It affords training for later leadership in bar work. It gives opportunities to a great number of young lawyers to work on committees, in sections and in research—an opportunity given to but few young men, in the older associations. The term "Junior" may clash with the vanity of a few but if it comes to denote the active, achieving membership of the association, even these few may recognize that calling the younger members of the bar by their right name is bearable.

From its inception as a planned and deliberate movement, the Junior Bar has maintained the principle of cooperating with existing associations as integral parts thereof. It has readily submitted to the supervision and final control of the established associations. It has welcomed and received the suggestions and hearty support of most of the older men. They have been genuinely happy to have at their disposal a group of young men ready to give the time and energy necessary to promote bar programs, to contact bodies of laymen and legislators in educational programs as to the aims of the bar, and to carry on membership drives among lawyers. Thus by working as a section or an integral part of a bar association in harmony with its purposes, vigorously pursuing the preparation and production of programs agreed to by all, swelling the membership of the group, encouraging bar activity on the part of newly-admitted attorneys, fostering in them the professional rather than the competitive business attitude, the Junior Bar Movement can prove to be a powerful force for a united, modern, integrated bar. With such a bar many of the problems that now afflict the profession and, indirectly, the public, are nearer solution.

I am very much pleased with the reports that are eminating from Mississippi about the organized efforts and, if you please, accomplishments, of the younger lawyers in this state.

This fellow, Bernard W. Chill, of Jackson, is a true ambassador at large. For some time now he has been ringing doorbells and shouting from rooftops about the activities of the Jackson Junior Bar Association.

From what I have been able to ascertain, he knows whereof he speaks, and this organization of younger lawyers of Mississippi merits the attention that has resulted. The legal institute, which was held in Jackson this spring, was an outstanding project in anyone's terminology. There is ample evidence that these young lawyers are "red-hot and ready" for public service.

The fact is that the legal profession has behind it a long history of public service and high ideals. If we younger lawyers are capable of appreciating these ideals, we can and will find abundant and never-ending opportunities in our daily work for honest and unselfish service, for sacrificial endeavor, for acting the Good Samaritan, and for helping world progress. It is simply a question of whether we have the will, the courage, and the character to use these opportunities. If we really have the wish to do good to our fellowman, we will find plenty of chances waiting —if we have it in us. "The fault, dear Brutus", as Cassius said in Shakespeare's play, "lies not in our stars, but in ourselves."

There is a story about a young lawyer which we should all know and never forget. He lived in Europe six centuries ago. His first case was that of a poor widow, who had been cheated by two rascally merchants. He won the case, but he charged no fee. For the remaining twenty year of his life, partly as advocate and afterwards as judge, he took only the cases of the poor, the widows, the orphans, and the helpless, always without fee. He lived a life of sacrifice, in the cause of justice. His name was Ivo Keloury of Kermartin and his fame went far and wide. When he died, he was made a saint, for his unselfish life service to the cause of justice. He is known as St. Ives.

St. Ives was adopted as the patron saint of the legal profession everywhere. His monument is now in the Cathedral of Treguir, a town in Brittany. Some years ago the bar associations of the United States placed in that cathedral a stained-glass memorial window, bearing the Stars and Stripes, as a tribute of honor from American lawyers to this lawyer and judge, who exemplified in his daily life the world-ideals of our profession.

I am enough of an idealist to believe that we can be whatever we desire, but I am also enough of a realist to believe that we are whatever we deserve. We cannot all expect to live up to St. Ives' standards, for we must earn a living for ourselves and our families just as men in other occupations do, but we can and should aspire to be honest and competent, and to perform our professional work in the spirit of service to the community.

There is much that we can and should do in the public interest. It is the duty of every practicing attorney to work for a better relationship between the lawyer and the layman by enlightening the citizenry on subjects vital to them and to our form of government. The prime task we have right now is a country-wide speaking program to make *real* to citizens the values of, and threats to, world peace. Through the spoken word, the medium of calm informative discussion, we can hope to crystallize in the American mind the full meaning of world cooperation,

and to instill in the American heart the determination to make whatever sacrifices may be required to rebuff on every level attack upon world cooperation. This is an opportunity for the young lawyer, and an obligation of every lawyer.

I say to you that the people—the laymen—your clients and mine, and the public generally, have a right to look to the lawyers, not merely for leadership and guidance in local, civic and business affairs, but for explanation and exposition of the various proposals for maintaining the peace in an unsettled and somewhat disturbed post-war world.

A number of formulas for political salvation are being advocated. As lawyers there are three things we do know:

(1) There can be no peace without justice;

(2) There can be no justice without law; and

(3) There can be no law without government.

We also know that any system of international organization must be judged by a double yardstick. It must be *effective* and it must be *acceptable*. The Federal type, such as that proposed by the "World Government Now" enthusiasts, makes a good case for effectiveness, but it suggests a possibly tyrannical world state and a drastic reduction of national sovereignty. The people of the United States are entitled to have that case analyzed for them by American lawyers. While the League type, such as the United Nations Organization, is generally acceptable, its effectiveness in its present form is somewhat questionable. A third way is the Quota Force plan, which was developed by a group of Americans to combine the effectiveness of the Federal type with the acceptability of the League type. The American public is hungry for peace and eager for information relative to these different proposals.

We lawyers are peculiarly prepared by background and training to analyze these various suggestions. We can recognize and point out the advantages, the disadvantages, and the rammifications. We do not have to tell John Q. Public what to do or how to do it. A prominent newspaper chain used the well-known slogan, "Give light and the people will find their own way." As trustees in the public interest, we owe the layman the responsibility of "giving the light." I call on you and on all members of the legal profession to discharge your social responsibility by *informing* yourselves on the vital questions affecting our form of government and world peace, so you may acquaint the public with all the aspects involved.

Your national organization of younger lawyers has already made preparations to defy that cry of "too little, too late." The Junior Bar Conference was created for, and is dedicated to, upholding the honor of the profession of law, promoting the administration of justice, and rendering effective aid to the younger members of the Bar, both in their practice and in their public service. There is not time to explain the dozen or so fields of activity in which the Conference is working today in the public interest. I do want to tell you of just one project of the

Junior Bar which will illustrate what can be done in this field. We have launched a Public Information Program, the purpose of which is to bring to the public in an impartial and factual manner, an understanding and a better appreciation of international relations and world affairs, and especially the United Nations Organization and the International Court of Justice. Responsibility for the program, including the preparation and distribution of speech material and radio scripts, and the formation of general plans, resides in a National Director of Public Information. W. Carloss Morris, Jr. of Houston, Texas, is serving in this capacity. He is assisted by four associate or deputy National Directors and an Advisory Board consisting of past National Chairmen of the Junior Bar Conference and a former National Director of the Public Information Program.

As National Chairman of the Conference, I have appointed State Directors of Public Information in every state, territory and insular possession of the United States. State Directors in turn are designating local directors in every sizeable community in the country. Local directors set up speakers' bureaus or committees to assist them in arranging for speaking engagements and radio broadcasts.

Initially, we are concentrating on the preparation and distribution of two series of thirteen radio programs each, one devoted to placing particular emphasis on the value of professional legal services, and the other to the United Nations Organization.

The legal profession series follows the form of the District of Columbia program known as "The Lawyer Speaks" and deals with various fields of law, such as wills, divorces, income taxes, real estate conveyances, forms of doing business, labor relations, etc. The theme is to promote the thought, "Consult a lawyer in every legal matter." I should like to see the younger members of the Bar discard the traditional lawyer's attitude that we are too proud to try to make people understand us and the work we do. If we do not tell people why and when it is important to consult lawyers and fail to convince them that they will be benefited by our advice, who in the world is going to do it? And if everyone is left in ignorance, it will be as unfortunate as if no one had ever learned to go to a doctor in order to keep in good health. What people need to be told is not to go to a lawyer after trouble has caught up with them, but to go to him while the trouble is only approaching.

(A) The entire series of 13 scripts has been mimeographed and distributed to all State Directors. Any interested group may obtain copies from the National Director. I believe that these programs will have a particular appeal to the younger members of the Bar.

The U.N.O. series is entitled "Peace Through Law" and is devoted to explaining in simple language exactly what the United Nations is, the charter of same, how it operates, and the various proposals for peace and improvement and codification of international law. We are working closely with the United Nations Organization headquarters in the col-

lection, interpretation and evaluation of the material being used in this effort.

(B) An introduction and the first two printed programs have been distributed. The balance of the 13 scripts will be available shortly.

With this machinery and this plan of action, you can readily see that the Public Information Program is not only a medium for obtaining active participation for thousands of younger lawyers in America, but it affords an opportunity for every lawyer to join in this important work. The Junior Bar has done the spade work, set up the machinery, and is prepared to take the lead, but the participation of all lawyers of all ages is respectfully invited. I ask you to remember that the Junior Bar Conference was founded thirteen years ago because the younger members of the Bar wanted an opportunity to make their voices heard and their ideas realized respecting the many problems confronting the legal profession. The war may have slowed down their efforts somewhat, but we are back now and we expect to do something about these things. This is our immediate answer to the present problem of establishing a greater appreciation and respect for lawyers as a group. We propose to defy the cry of "too little, too late." I call on all members of the bar to join this effort. When we reach the point where the public accepts the fact that we are discharging our social responsibility to the best of our ability, capacity, and resources, the results of public approval will accrue to the benefit of each and every member of the legal profession.

If the well-rounded lawyer can be defined as one who is barminded, as well as a member of the bar, the reports show that beyond doubt the cream of the younger lawyers of the nation is to be found among the many workers who have generously applied their time, energy, enthusiasm, and still optimistic idealism to the Conference program, whether on a nation-wide, state, or local scale.

Now is the time when all young lawyers are coming to the aid of our profession. It has not been so many years since a valiant French lawyer, Leon Gambetta, rose to prominence through his able defense of Republicanism in the civil strife following the Franco-Prussian War. You remember that it was during that war, after the investment of Paris, that he escaped from the city by balloon, and as Minister of War exerted himself to the utmost to effect the relief of the capital. In 1881, he became premier of France. On the base of the Gambetta statue in Paris are emblazoned these words, "NO ONE CAN FORBID US THE FUTURE." With conviction of the truth of this inscription, I hail the obligations and opportunities of the young lawyer today.

The report of the Committee on Administrative Law was presented by Mr. John Kuykendall, Jr., of Jackson.

REPORT OF THE COMMITTEE ON ADMINISTRATIVE LAW

This Committee was appointed by Chairman William N. Ethridge, Jr., in July, 1946 and is composed of the following: John Kuykendall, Jr., Chairman, Shelby Rogers, John P. Maloney, L. B. Porter, Miss

Martha Gerald, John M. Gardner, Champ C. Gipson, David W. Smallwood, and Floyd P. Smith. One meeting was held at Jackson on October 11, 1946.

The Committee confined its study of the subject to the state level and only considered the recently enacted federal Administrative Procedure Act for what light it would give for that purpose.

I—ANALYSIS

The following appear to the Committee to be the basic questions presented regarding the subject of administrative law as it presently exists in this state:

(1) Sources:

(a) The statutes delegating authority to the administrative agency.

(b) Rules and regulations adopted by the administrative agency under each statute.

(c) Mississippi Supreme Court decisions defining the powers and rights of administrative agencies, both fundamental and as regards particular matters.

(2) Jurisdictional Questions:

(a) What is the jurisdiction of each administrative agency and what is the relation of its jurisdiction and functions to the other departments of government?

(b) What may the appellate court consider when an appeal from an administrative agency is had?

(3) Procedural Questions:

(a) What are the rules of procedure before the administrative agencies?

(b) What means of appeal are provided from decisions or rulings of the administrative agencies to a court?

I—OBSERVATIONS

(1) The Commission has received valuable assistance from Hon. Carl McFarland, Chairman, Section of Administrative Law, American Bar Association. Under date of August 19, 1946 Mr. McFarland advised:

"While the section of Administrative Law of the American Bar Association has just been organized, and therefore has not yet been able to adopt an official policy, I believe that its members will take the position that state legislation should not be attempted in any given state without a thorough study of the administrative system and deficiencies of the state over a period of at least two years."

(2) The Committee's study has thoroughly convinced the Committee that no change or reform should be undertaken in this field until the matter has been completely studied and discussed by all interested parties, particularly the public officials involved, in order that whatever is adopted may prove to be beneficial rather than detrimental.

(3) While the strongest criticism directed against federal administrative agencies appears to be the charge that they have usurped too much power and issue too many rules and regulations on too many subjects, a study of administrative law as practiced by the state agencies indicates to the committee that many state agencies have not exercised many of the administrative law powers delegated by law and in many instances have never adopted any rules and regulations on many of the subjects they are authorized by law to so regulate.

(4) That while many of the state agencies publish some of their rules and regulations adopted by that agency during the previous bienniam in their reports to the legislatures, to the committee's knowledge nowhere is to be found a single, complete, and up-to-date depository of all of these rules and regulations which may affect and govern any citizen of Mississippi, and to which any member of our State Bar may have occasion to refer.

(5) That the current law digests, reference books, and other great publications designed for the assistance of the Bar do not have any section devoted to administrative law as a subject unto itself, and that it would be most helpful to the Bar of this state to have available a collection of annotations in the form of a digest of the Mississippi Supreme Court decisions defining the power and rights of particular state administrative agencies, and other matters regarding administrative law.

(6) That the statutes creating and establishing the various administrative agencies of this state in many instances fail to clearly define the relationship of the agency being created to the other agencies of the state government and therefore in many instances it is difficult to determine whether a particular agency has jurisdiction of a particular matter or not.

(7) That with the increase of the practice and use of administrative law it will be desirable to establish uniform rules of procedure effective to all state administrative agencies, in so far as possible.

(8) That likewise, uniform procedure of appealing from decisions and rulings of the administrative agencies to a court will be desirable.

III

LIST OF COMMISSIONS, AGENCIES AND BOARDS OF AN ADMINISTRATIVE NATURE AUTHORIZED BY STATE

Compiled by Hon. Shelby Rogers, using the Article of the Late Judge T. C. Kimbrough in Mississippi Jaw Journal, Vol. XVII, Page 151 as a guide.

(1) Adjutant General[4] (Section 5495, Code of 1930)

(2) Aeronautics Commission[4] (Ch. 417, Laws 1946)

(3) Agricultural & Industrial Board[3] (Miss. Laws 1944, c. 241)

(4) Agricultural & Industrial Exposition Commission, Mississippi[4] (Senate Bill 178, Legislative Session, 1946)

(5) Architects, State Board of[1] (Miss. Code Ann. (1942) Section 8632)

(6) Archives & History, Board of Trustees of Department[3] (Mississippi Code Ann. (1942), Section 6181)

(7) Athletic Commission, State[3] (Id., Section 8925)

(8) Banking Department, State[3] (Chapter 146, Laws of 1934)

(9) Bar Admissions, Board of State[1] (Id., Section 8687)

(10) Barber Examiners, State Board of[1] (Id., Section 8725)

(11) Bar Association, Mississippi State[1] (Chap. 121, Laws of 1932)

(12) Beauvoir Soldier's Home, Gulfport[4] (Section 4868, Code of 1930)

(13) Bond Commission, State[3] (Miss. Laws 1944, c. 142)

(14) Bond Retirement Commission[4] (Ch. 110 and 140, Laws 1944)

(15) Budget Commission, State[3] (Miss. Code Ann. (1942), Section 9103)

(16) Building Commission, State[3] (Miss. Laws 1938, c. 55)

(17) Capitol Commission[3] (Miss. Code Ann. (1942), Section 9852)

(18) Central Market Board[4] (Ch. 177, Laws 1946)

(19) Childrens Code Commission[4] (House Bill 857, Legislative Sess. 1946)

(20) Civilian Defense Council[3] (Id., Section 8612)

(21) Deaf and Blind, Board of Trustees for the Schools for the[1] (Id., Section 6942)

(22) Defense Representatives in Mississippi

(23) Dental Examiners, State Board of[3] (Id., Section 8749)

(24) Depository Commission, State[3] (Section 9126, Code of 1942)

(25) Development, State Board of[3] (Id., Section 8936)

(26) Education, State Board of[1] (Id., Section 6233)

(27) Egg Advisory Board, State[3] (Miss. Laws 1944, c. 250)

(28) Election Commissioners, State Board of[1] (Id., Section 3204)

(29) Eleemosynary Institutions, Board of Trustees of State[3] (Miss. Laws 1936, c. 180)

(30) Embalming, State Board of[3] (Miss. Code Ann. (1942), Section 8776)

(31) Emory Memorial Home, Board of Trustees[3]

(32) Engineers, Board of Registration for Professional[3] (Miss. Code Ann. (1942), Section 8793)

(33) Examiners, State Board of[3] (House Bill 699, Legislative Sess. 1946)

(34) Farm Bureau Federation, Mississippi[4] (House Bill 417, Legislative Session 1946)

(35) Forestry Commission, State[3] (Id., Section 6022)

(36) Forestry Commission[1] (Id., Section 6033)

(37) Game and Fish Commission, State[1] (Id., Section 5841)

(38) Health, State Board of[3] (Id., Section 7024)

(39) Highway Commission, Mississippi[1] (Id., Section 8014)

(40) Highway Safety Patrol[1] (Id., Section 8076, et seq.)

(41) Hospital Care, Mississippi Commission on[4] (House Bill 430, Legislative Session 1946)

(42) Hospital Commission, State[3] (Id., Sections 7130 et seq.)

(43) Hospital, Mississippi State Insane, Whitfield[3] (Section 4546, Code of 1930)

(44) Housing Authority, Commissioners[4] (Section 7298 Code of 1942, and amended by Senate Bill 358, Legislative Session 1946)

(45) Institutions of Higher Learning, Board of Trustees of[3] (Id., Section 6724)

(46) Insurance Commission[1] (Id., Section 5816)

(47) Interstate Cooperation, Commission on[3] (Id., Sections 3317 et seq.)

(48) Investigating Committee, General Legislative[1] (House Bill 372, Legislative Session, 1946)

(49) Jefferson Davis Shrine, Board of Trustees of[4] (Miss. Laws 1940, c. 315)

(50) King's Daughters' Hospital, Gulfport, Board of Directors[4]

(51) King's Daughters' Rescue Home, Board of Trustees of[3] (Miss. Laws 1936, c. 46)

(52) Levee Board, Warren County[4] (House Bill 1006, Legislature Session 1946)

(53) Levee Commissioners, Board of Mississippi[1] (Miss. Const. 1890, Section 229)

(54) Levee Commissioners, Board of Yazoo-Mississippi[2] (Miss. Const. 1890, Section 229)

(55) Library Commission, State[3] (Miss. Code Ann. (1942) c. 249)

(56) Library, State[3] (Chapter 130, Code of 1930)

(57) Livestock Sanitary Baord, State[3] (Id., Section 4738)

(58) Market Board, Central[3] (House Bill 54, Legislative Session 1946)

(59) Marketing Commission, State[3] (House Bill 431, Legislative Sess. 1946)

(60) Medical Education Board[3] (House Bill 431, Legislative Session 1946)

(61) Mineral Lease Commission[1] (Id., Section 5947)

(62) Motor Vehicle Comptroller[1] (House Bill 118, Legislative Session 1946)

(63) Municipal Courts Commission[4] (Miss. Code Ann. (1942), Section 3788)

(64) Music Examiners, Board of[3] (Miss. Code Ann. (1942), Section 6674)

(65) Natchez Trace Parkway Right of Way Commission[4] (Miss. Laws 1936, c. 195)

(66) Nurse Examining Board[3] (Id., Section 8806)

(67) Oil and Gas Board, State[2] (Miss. Code Ann. (1942) Section 6132)

(68) Optometry, State Board of[3] (Id., Section 8835)

(69) Pardoning Board, State[3] (Id., Sections 4004, et seq.)

(70) Park Commissioners, Municipality[4] (House Bill 506, Legislative Session 1946)

(71) Park Commissioners, State Board of[4] (House Bill 859, Legislative Session, 1946)

(72) Park Supervisors, State Board of[3] (Id., Section 5957)

(73) Parole Board, State[3] (Chapter 334, Laws of 1944, Section 3)

(74) Penitentiary, Board of Commissioners for the State[3] (Id., Section 7923)

(75) Pharmacy, State Board of[3] (Id., Section 8851)

(76) Plant Board of Mississippi, State[3] (Id., Section 4978)

(77) Public Accountancy, State Board of[2] (Id., Section 8906)

(78) Public Contract, State Board of[3] (Miss. Const. 1890, Section 107; Miss. Code Ann. (1942), Sections 8961, et seq.)

(79) Public Safety Commission[2] (Chapter 143, Laws of 1938)

(80) Public Service Commission[2] (Miss. Code Ann. (1942), Section 7688)

(81) Public Utilities, Board of[3] (Id., Section 5538)

(82) Public Welfare, State Board of[3] (Miss. Code Ann. (1942), Sections 7218-19)

(83) Reformatory for Negro Delinquents, Trustees of[4]

(84) Rural Electrification Commission[1] (Id., Section 5502)

(85) School Board, County[3]

(86) Seafood Commission, Harrison County[3] (Chap 290, Laws of 1940)

(87) Seafood Commission, State[1] (Id., Section 6049)

(88) Securities Act, Supervisor of[3] (Chapter 88, Laws of Miss., 1932)

(89) Service Commission, State[3] (Id., Section 7486)

(90) Supervisors, Board of[2] (Id., Sections 8670 et seq.)

(91) Supervisors, Board of[1] (Id., Sections 8670, et seq.)

(92) Surplus Property Procurement Commission[4] (House Bill 435, Legislative Session 1946)

(93) Tax Commission, State[1] (Id., Section 9197)

(94) Temperance Commission, State[3] (Id., Section 6679)

(95) Textbook Commission, Rating Board of[1] (Id., Section 6634)

(96) Unemployment Compensation Commission[1] (Id., Section 7400)

(97) Veterans Farm and Home Act, Board of Administration[3] (Id., Section 7519)

(98) Veterinary Examiners, State Board of[3] (Id., Section 8915)

(99) Vocation Education Board[4] (Mis. Code Ann. (1942), Section 8675)

(100) Vocational Education, State Board of[4] (Abolished House Bill 511, Legislative Session, 1942)

(101) War Manpower Commission[4]

(102) War Veterans Memorial Commission[4]

(103) Water and Electric Light Commissioners[4] (Section 3524, Code of 1942 as amended by House Bill 509, Legislature Session, 1946)

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[1]Boards from which statutory appeal is allowed the aggrieved party to the Circuit Court, or the Chancery Court, but the statute does not provide any procedure for the trial of the cause.

[2]Boards from which statutory appeal is allowed for the losing party to either the Circuit or Chancery Court. The statute also provides the plan of procedure in the trial of cause in such cases.

[3]Boards before which procedure by the aggrieved party is either injunction, mandamus, or certiorari, as the facts of the case may demand. The statute allows the losing party no appeal from this group of boards.

[4]Miscellaneous Boards wherein there is insufficient information regarding the duties and administrative powers thereof

NOTE

The statute provides in the case of the boards named below for an appeal by the losing party to either the circuit or chancery court. The statute also provides the plan of procedure in the trial of a cause in such cases:

State Oil and Gas Board, Miss. Code Ann. (1942), Section 6132

Board of Yazoo-Mississippi Levee Commissioners, Miss. Const. 1890, Section 229

Public Service Commission, Miss. Code Ann. (1942), Section 7688
Board of Supervisors, Id., Sections 8670 et seq.
State Board of Public Accountancy, Id., Section 8906.

IV—RECOMMENDATIONS

1. Creation of an Administrative Law Commission.

After the foregoing imposing list of various boards, commissions and agencies it may appear that the Committee has arrived at a rather strange solution to the problem presented, but in all seriousness the Committee recommends the creation of still another agency whose purpose will be the study of problems of state administrative law, the investigation of the practice and procedure of administrative law in the state, and with full authority, if it finds that its study and investigations so warrants:

(1) To require all administrative agencies having authority to adopt rules and regulations which have the force and effect of law to report same together with the citation of the statute under which each was adopted to said Commission by a certain specified date, and

(2) To publish all such rules and regulations together with citations of the statutes under which each was adopted in one publication, which should be so arranged and edited that subsequent publications of rules and regulations adopted, amended, or repealed may be added thereto, and

(3) To distribute such publication in such a manner that it may be readily available to all public officials concerned, members of the Bar, and the interested members of the general public,

and to submit any other recommendations which its study and investigation might develop to any administrative agency of the state, the Governor and the Legislature.

2. A Governor's Committee on Administrative Law

That the foregoing recommendation, if adopted by the Bar, be presented to the Governor with the request that he appoint an Administrative Law Committee to prepare drafts of the legislation necessary to create the aforementioned commission and present the same to the next session of the Legislature.

3. CONTINUATION OF THE JUNIOR BAR COMMITTEE ON ADMINISTRATIVE LAW

That the Chairman of the Junior Bar Section appoint a committee for the forthcoming year to continue the work of this Committee on Administrative Law.

The report of the Committee in Aid of the Small Litigant was presented by Mr. William Jolly of Columbus. Mr. Jolly stated that the report was a majority report of the committee, but not unanimous and that Committeeman David Houston, Jr. of Aberdeen objected to the cost of the proposed measures involved in the report.

REPORT OF THE COMMITTEE IN AID OF THE SMALL LITIGANT

Your Committee in Aid of the Small Litigant has made a study and held discussions on the subject and beg to submit the following recommendations.

First, we recommend that legislation be proposed which would extend the system of County Courts to every County in Mississippi. This could be accomplished by amending Section 1604 of the Mississippi Code of 1942.

The civil jurisdiction of the lower court should be at least $1,000.00 so that litigants who have difficulties to be adjusted in the courts of our State could get a speedy trial with less expense and delay than they are able to obtain in our Circuit Courts.

Your Committee feels that extending the system of County Courts to each county in Mississippi will be a means af administering the recent Youth Court provisions with greater effect, toward the end of preventing and correcting juvenile delinquency and neglect on a state-wide basis.

The recommendation for the establishment of County Courts in all counties is practical in its application, capable of accomplishment and does not do violence to the constitutional courts of Mississippi. It commends itself from the standpoint of reducing delay in obtaining justice by having more frequent court terms and by decreasing the burden of litigation upon the other established courts.

Along with this idea your Committee recommends that legislation be proposed for the creation of the office of County Prosecuting Attorney in each county. This would be necessary to an efficient operation of the County Court and would also materially assist each District Attorney in his respective Circuit Court district in the efficient discharge of his duties of law enforcement as well as raise the standard of law enforcement of other and lower courts of each county. We therefore recommend that legislation be submitted amending Section 3910 et seq. of the Mississippi Code of 1942 creating the office of County Attorney in all counties of the State.

Secondly, your Committee in Aid of the Small Litigant recommends that legislation be proposed setting up and creating the office of Public Defender in all the counties of our State. Your Committee feels that the present system whereby the court appoints local lawyers to defend persons charged with capital crimes is unfair both to the defendants and to the attorneys who are appointed, and that the compensation which such attorneys receive for said services is entirely inadequate and unjust. Your Committee also feels that not only in capital crimes but in all felony cases that the defendants are entitled to their day in court and to their rights under the constitution and laws of his State, which can only be assured to them by having competent counsel and their day in court regardless of the alleged crime or regardless of their station in life.

We submit that the Public Defender should be called upon to defend all persons charged with felonies only because we feel that if the Public Defender were called upon to defend all misdemeanor cases that it would require too much of his time, for the compensation which he would be able to receive. And we submit that the ends of justice do not require the services of counsel in misdemeanor cases to the same extent as in cases where defendants are accused of crimes, wherein conviction carries a penitentiary sentence.

We recommend that if such legislation is proposed that provision be made whereby only people who are unable to retain counsel would be entitled to the services of the Public Defender. In this connection we would suggest that any accused charged with a felony, who was unable to employ counsel and desired the services of the Public Defender, would be required to sign an affidavit to that effect before the Circuit Clerk of the court in which his case was pending. That upon the execution of said affidavit and upon the Clerk being satisfied that the facts as set out in the affidavit are true, the Clerk would be called upon to inform the Public Defender and request his services to represent the person so accused of crime.

Your Committee has made some investigation and inquiry into the small loan, or loan shark business in the state. Based on the inquiry and information that your Committee has, we do not feel that remedial legislation on this subject is required at this time.

Your committee urges that the Junior Bar Section, working through the Mississippi State Bar Association, take such steps as are necessary to get legislation adopted at the next session of our legislature which would accomplish the recommendations hereinbefore set out.

Mr. J. O. Hollis of Carthage: I listened with a great deal of interest to Mr. Jolly's report. There is one thing I don't agree with Bill on. This is the matter of a Public Defender. Now, I certainly think any defendant is entitled to be represented by counsel, whether it be on a charge of felony or misdemeanor. I don't think the day has come to Mississippi that it be necessary to have a Public Defender on the state payroll. We have very able defense lawyers in this state. But to add a Public Defender to the payrolls of the State of Mississippi would be quite ridiculous. Certainly I think the Circuit Judge should be em-

powered to appoint counsel to represent the defendant even though he be accused of misdemeanor. I suggest to this body the appointment of a Public Defender is unnecessary at this time.

The report of the Committee in Aid of the Small Litigant was approved by a vote of 27-21.

The report of the Veterans' Advisory Committee was presented by Mr. William Suddath of Jackson.

REPORT OF THE VETERANS' ADVISORY COMMITTEE

As most of you know, under the terms of Public Law 346, a Veteran, who was a practicing lawyer and working for, or under the supervision of, an older and more experienced lawyer, used to be entitled to an on-the-job training allowance of $90.00 per month under certain limitations and restrictions, and a large number of veteran lawyers were drawing this $90.00 per month allowance, or some fraction thereof.

Then on August 8, 1946 Public Law 679 was passed amending paragraph 11, Part VIII, Title 2 of Public Law 346, and there was included within this amendment the statement that no course of training would be considered bona fide if given to a veteran who is already qualified by training and experience for the job objective. From this admittedly correct and innocent statement sprang an administrative construction by the Veterans' Administration to the effect that a person who had a license to practice law had achieved his objective, or, in other words, that there was nothing left for him to learn. And, as a result of this rule, licensed lawyers are no longer entitled to receive the $90.00 a month on-the-job training allowance or any portion of it. This administrative construction is reportedly under question or attack by the American Bar Association, but so far no change has been effected, and none seems likely.

As a result practically the only Veterans' benefit for any sort of training now available to licensed lawyers is extension courses. It is still possible for licensed lawyers to take further special training, say for example in Federal Taxation, offered through numerous correspondence courses, or he may take further training on other subjects, such as are offered through the extension or correspondence courses of the Practicing Law Institute. Of course, in such instances the government does not pay the individual lawyer anything, but does pay the tuition costs of such courses. If any of you are interested in such training you may write, for example, to the Practicing Law Institute, 57 William Street, New York, New York, or to John Marshall College, 40 Journal Square, Jersey City, New Jersey for information on the courses available, and having selected your course then contact your local Veterans' Administration office to complete the arrangements.

One further possible source of aid to Veterans, though not classified as training, is Title V, Public Law 346, Section 902(a) and (b). Under the terms of this act a veteran who has received a discharge, that is other than dishonorable, who is in business for himself, either alone or in

partnership, (but not as an employee of any other law firm or lawyer), and who after deducting all business expenses for one month, has a net income for that month of less than $100.00, may apply to his local Mississippi Unemployment Compensation Commission office, and there contact the Veterans' Administration representative, and through him arrange to have the deficiency of less than $100.00 made up to him. In other words, under this act, though you may be a licensed attorney, if, in fact, your cash net income per month does not equal $100.00, then you may have this deficiency made up to you. However, the benefits of this program are only available to you for ten and a half months after once qualifying yourself to come under the program. Though the sum is not large, under this act a lawyer just starting to practice for himself, or in partnership, and not as an employee of some other lawyer, does have a guarantee of a monthly net income of $100.00 for ten and a half months.

The report of the Legislative Committee was made by Mr. Alton Massey of Kosciusko.

REPORT OF THE LEGISLATIVE COMMITTEE

Because there has been no recommendation submitted to the Legislative Committee to be presented to the Legislature, your Committee has not seen fit to have an official meeting during this fiscal year. The Chairman of the Legislative Committee has received more than nineteen letters, and has written more than thirty-one letters.

Your Chairman has received many suggestions that the Legislative Committee make recommendations that various laws of the State of Mississippi be amended. In the opinion of this Committee, it is the duty and function of the Code Committee to make recommendations concerning the amendment of statutes. It is the duty and function of the Legislative Committee to prepare the proposed legislation submitted to them in the form of a bill, and present same to the Legislature. We therefore submit no recommendation to you concerning the amendment of statutes.

We do recommend, however, that a broader line of distinction be drawn between the Legislative Committee and the Code Committee, and that their respective functions be more clearly defined. If these Committees are overlapping in their functions, one of them should be abolished. If the Junior Bar Section sees fit to continue the Legislative Committee and the Code Committee, it is our further recommendation that the Legislative Committee sit in with the Code Committee on all meetings in order that they may thoroughly acquaint themselves with the legislation proposed to be amended by the Code Committee. Joint meetings of this kind will prepare your Legislative Committee with a more thorough and profound understanding of proposed legislation, and they will be more adequately facilitated to intelligently present such matters to the Judiciary Committee of the Mississippi Legislature.

Chairman William N. Ethridge, Jr. announced that the next order of business would be election of officers.

Mr. James Eaton of Gulfport was nominated for Chairman of the Junior Bar Section by Mr. John M. Kuykendall, Jr. of Jackson.

Mr. Warren V. Ludlam of Jackson was nominated for Chairman of the Junior Bar Section by Mr. Leon Shelton of Jackson.

A written vote was taken and Mr. Eaton declared elected as Chairman by a vote of forty-four to seventeen.

Mr. Geo. Woodliff of Jackson was nominated for Vice-Chairman by Mr. William Keady of Greenville, and was elected by acclamation.

Mr. William Jolly of Columbus nominated Mr. Bernard Chill of Jackson for Secretary of the Junior Bar, but Mr. Chill asked that his name be withdrawn as his duties on the Executive Committee of the National Junior Bar Conference of the American Bar Association occupied his available time already.

Mr. Archie Dickson of Gulfport stated that he did not believe a Secretary for the Junior Bar Section was required or provided for under the regulations of the State Bar. Mr. John Kuykendall nominated Mrs. Margaret McLean of Jackson to serve as Secretary of the Junior Bar Section in addition to her duties as Secretary of the Mississippi State Bar. Mrs. McLean was unanimously elected.

Mr. W. Arlington Jones of Hattiesburg was nominated for Second Vice-President of the Mississippi State Bar by Mrs. L. B. Porter of Union. Mr. Bernard Chill seconded the nomination. Mr. Jones was unanimously elected.

The final order of business was election of representatives to the Executive Committee of the Junior Bar Section.

The following representatives were selected: Northern District: Mr. Dick Thomas of Senatobia, Mr. Huey B. Howerton, Jr. of Oxford, and Mr. John Kuykendall, Jr. of Jackson; Southern District: Mr. J. O. Moss of Lucedale, Mr. Everett Truly, Jr. of Fayette, and Mr. James A. White of McComb; Central District: Mr. L. A. Wyatt of Jackson, Mr. Charles Fair of Louisville, and Mr. Dan Shell of Jackson.

Mississippi Law Journal

JOURNAL of the MISSISSIPPI STATE BAR

VOLUME XVIII **OCTOBER, 1947** **NUMBER 4**

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MISSISSIPPI STATE BAR

1947-1948

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STATE BAR SECTION

MEMORIAL SERVICES—

Memorial services in honor of members of the Bar who departed this life since services were held in 1946, and prior to August 25, 1947, were held in the Supreme Court Room on September 8, 1947, with an unusually large attendance. The Memorial Resolutions, adopted by the Bar, were read by Judge Leon Hendricks upon request of Judge J. Morgan Stevens, Chairman, and are as follows:

MEMORIAL DAY TRIBUTE AND RESOLUTIONS
MISSISSIPPI STATE BAR
SEPTEMBER 8, 1947

The members of the Mississippi State Bar Association in annual Memorial Meeting assembled pause from our labors to join the members of the Supreme Court in expressing the deep sense of loss felt by us and in paying our tribute in love and respect for those members of our Association who have, since and including September 9, 1946, taken the Last Great Adventure and have been called before the Supreme Judge of all men. In keeping with the orders and the custom of our Association, as well as that of our Supreme Court, we would make this humble memorial of our departed brethren and here record this tribute of respect to their memories. In doing so, we would record the names of those members of our Association, Bench and Bar, who have died the past year or whose names have not heretofore been recorded as among the noble dead. The list is a distinguished one. It embraces a United States Senator, the late Governor of our State, an ex-member of the Supreme Court, two past Presidents of our State Bar Association, an Assistant Attorney-General, former members of the Legislature, together with a number of other able advocates who held no office but devoted their talents faithfully to the practice of their chosen profession. In the list is included one who has been the aged dean of the Supreme Court Bar for many years. With bowed heads and saddened hearts we inscribe their names upon this sacred scroll of the dead as follows:

Thomas L. Bailey, Meridian
W. C. Batson, Wiggins
Theodore G. Bilbo, Poplarville
George Thomas Britt, Jackson
(died in Service during the War)
J. Emmett Buckley, Enterprise
R. L. Cannon, Sumner
Benjamin B. Carmichael, Greenville
H. F. Case, Quitman
T. A. Clark, Iuka
E. S. Clarke, Hollandale
Alva Cooper, New Albany
David E. Crawley, Kosciusko
Alexander Currie, Hattiesburg
James E. Davis, Hattiesburg
Miss Alice Lee Dunn, Greenville
Lester G. Fant, Holly Springs
E. J. Ford, Pascagoula
Joe N. Friend, Jackson
J. F. Galloway, Gulfport
Josesh W. George, Greenwood
Marcellus Green, Jackson
W. F. Hardy, Jackson
C. E. Hill, Hattiesburg
J. H. Howie, Jackson
R. H. Knox, Jackson
J. O. McDonald, Dallas, Tex.
Ben H. McFarland, Aberdeen
C. C. Miller, Meridian
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O. C. Thomas, Meridian
T. R. Willoughby, Jackson
Lee T. Woodruff, Batesville
R. G. Wooton, Hattiesburg

A casual reading of this rather long list is sufficient to admonish us of the uncertainty of life and the certainty of death. The Chairman of our Memorial Committee who read and presented so well the beautiful tribute of our Association one year ago now takes his place among those who are mourned. As said by one distinguished lawyer on an occasion of this kind:

> "I would not if I could and could not if I would forget that 'Each night I pitch my tent one day's journey nearer home'."

One's brief life on earth may be likened to a passing day.

"Out of eternity this new day is born
Into eternity at night will return."

There has come down through the ages the great question of Job: "If a man die will he live again?"

The philosophers of all races and all nations have at all times tried to find the answer. Milton long ago said:

> "Death is the golden key that opens the palace of eternity."

Thackery has said:

> "Life is the soul's nursery—it's training place for the destinies of eternity."

Lawyers as a whole have exemplified an unfaltering faith in the immortality of the soul. As said by Whittier:

> "The steps of faith fall on the seeming void, but find the rock beneath."

They have also generally been students of the sacred Scriptures both ancient and modern, and especially of our Holy Bible—"the window in this prison of hope through which we look into eternity." The lawyer when he is fully fitted for his duties as such and when he devotes his talents to the higher good of society is one of the most important figures in civic life. He is a connecting link between the present and the past and should be a safe and important guide for the future. He is taught to respect precedent and truly the law as a science has come down to us from the remote past, furnishing a guide for the safest method of regulating human affairs and of vouchsafing the precious liberties which we as a democracy enjoy. The wonderful achievement of our profession would be impossible without an unfaltering hope in immortality and our departed brethren exemplified to a marked degree the Biblical injunction:

> "Humble yourself under the mighty hand of God that he may exalt you in due time."

As friends, neighbors and contemporaries, we bear testimony of their sterling qualities as citizens, as neighbors and patriots and officials of both church and state. They lived through the stress and strain of a

world-wide conflict and helped solve the problems incident thereto and gave their full measure of devotion.

NOW BE IT RESOLVED that by this testimonial we give assurance to the families and friends of our deceased brethern that we have been and are still thinking of them with deepest sympathy; that we mourn with them and acknowledge the loss sustained by our profession and by our state in their passing; that a copy of this Resolution be placed upon the minutes of the Mississippi State Bar; and that a copy be transmitted to the family of each of our departed brethern.

Respectfully submitted,
J. Morgan Stevens, Chairman
W. D. Anderson
George H. Ethridge
A. A. Cohn
E. J. Currie
DeWitt Enochs
W. E. McIntyre
Clarence E. Morgan
Memorial Committee

Following the reading of the Memorial Resolutions, Chairman Stevens spoke of the lives and accomplishments of the deceased. Chief Justice Sydney Smith responded for the Court, ordered the Resolutions spread on the minutes of the Court, and spoke of the high duty and responsibilities of Bench and Bar in carrying on the concepts of liberty preserved by those who have preceded us. President Stokes V. Robertson delivered the closing address.

PROPOSED LEGISLATION—

Three proposals are to be made to the next regular session of the Legislature by the Mississippi State Bar. The proposals are:

1. That members of the Bar, upon reaching the age of sixty-five, have the option of payment of dues though they may still be engaged in active practice. This recommendation is embodied in a resolution adopted at the June, 1946 convention of the Bar and would amend the present act which now exempts only those retired from practice and judges.

2. That new rules of civil procedure be adopted, a proposal adopted by resolution at the June, 1947 convention of the Bar.

3. That standards for admission to the Bar be raised, a proposal adopted by resolution at the June, 1947 convention of the Bar.

APPOINTMENT OF THE STUDY COMMITTEE—

The By-Laws of the Mississippi State Bar provide that the Board of Commissioners shall appoint a Study Committee "whose duty it shall be to suggest to the Bar subjects for investigation and study looking towards the improvement of the courts, the laws, and the administration of justice, and the said committee shall receive and consider suggestions relative to this from members of the State Bar."

The Study Committee as appointed for the current year is as follows: Supreme Court Justice L. A. Smith, Chairman; John C. Satterfield, Jackson, Commissioner Member; Chancellor Lester Clark, Hattiesburg; Circuit Judge Jasper Guynes, Hazlehurst; James T. Kendall, Assistant Attorney General; Eugene Thompson of Marks; and O. B. Triplett of Forest.

Each member of the Bar is encouraged to make suggestions and recommendations to this important committee. This may be done by writing either a member of the committee or the Secretary of the Bar.

COMMITTEE REPORTS—

The Board of Commissioners has instructed each committee of the Mississippi State Bar to submit its report to the Secretary of the Bar at least sixty days prior to the next annual meeting. The reports will be mimeographed by the Secretary and distributed to each member of the Bar prior to the annual meeting. This should enable each member to acquaint himself with the matters to be considered prior to the actual report of the committee on the floor of the convention.

NEW SECRETARY OF THE BAR—

Mrs. Lura Ethridge of Jackson assumed the duties of Secretary of the Bar on October 1, succeeding Mrs. Margaret McLean whose resignation was accepted, with reluctance and regret, by the Commissioners.

Mrs. Ethridge is a graduate of Blue Mountain College and is the wife of William N. Ethridge, Jr., of Jackson, last year's Chairman of the Junior Bar Section. Mrs. Ethridge has had experience in a large law office, and has studied law.

NEW OFFICE FOR THE SECRETARY OF THE BAR—

The office of the Secretary of the Bar has been moved from the fourth to the second floor of the New Capitol. As the State Library, the Supreme Court Room, and the offices of the Supreme Court Justices are on the second floor, members will find it convenient to visit the Bar office when in the capitol on other matters, and are urged to do so.

MISCELLANEOUS NOTES—

The September issue of the American Bar Association Journal carried the address of past President R. C. Stovall as delivered at the annual meeting in June, 1947. In the same issue was an article by Gibson Witherspoon of Meridian, entitled: "Aviation Law: What Care is Required of Air Carriers." The latter article had appeared previously in 17 Miss. Law Journal 221.

The work of the Mississippi State Bar as an integrated bar has attracted inquiries to the office of the Secretary of the Bar from the states of Louisiana, New York, Washington and West Virginia, and from Belgium and the Philippines.

William R. Ford, returned from long naval service, is now junior member of the firm of Crawley (James T., Jr.) and Ford in Kosciusko.

Albert S. Gardner, formerly of Yazoo City, is now located at 118 N. Congress Street, Jackson.

William C. Gee of Marks has returned to active duty with the Army and is now at Fort Mason, California.

Knox Lamb of Greenwood and Washington, D. C. is now with the O.C.C. for War Crimes in Nuremberg, Germany.

L. P. B. Lipscomb is a member of the War Crimes Commission in Tokyo, Japan. Floyd Cunningham of Booneville and Joe Walton of Newton are also on the same staff.

Richard G. Lord, formerly of Tunica, is now located in Meridian.

G. Spencer Smith has resumed practice after several years with the armed forces. He is now located in the Hewes Building in Gulfport.

Abe Somerville has returned to practice in Cleveland after several years absence from the state and service with the Army during the war.

Doug Stone has opened an office in Columbus.

LAW INSTITUTE OF THE JACKSON JUNIOR BAR

The Jackson Junior Bar Association announces its Second Annual Law Institute will be held in the Heidelberg Hotel in Jackson on Friday and Saturday, December 5th and 6th . The topics for this year's Institute will be Recent Developments in Labor Law, Recent Developments in Oil & Gas Law, and Bankruptcy Procedure. A banquet will be held in the Heidelberg on Friday evening, December 5th.

The speakers for the Institute have not been announced as yet, but the committee expects to have well-qualified speakers in each of the fields scheduled.

The registration fee for the Institute will be ten dollars.

Further details as to the Law Institute are available through Mr. Marvin A. Cohen, John Hart Building, Jackson.

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Roberds, W. G., Assoc. Jus.
Roberts, R. P., Jr.
Robertson, Stokes V.
Robertson, Stokes V., Jr.
Robbins, W. E.
Robinson, R. H.
Rogers, Shelby P.
Ross, F. A.
Rotwein, Abe A.
Rowe, Johnston S.
Russ, Roderick S., Jr.
Russell, Ted
Rutledge, Robert M.
Sadler, David L.
Satterfield, J. C.
Sauls, E. B., Jr.
Scanlon, Leo J.
Scott, E. G.
Scott, Walter A., Jr.
Seale, J. E., Jr.
Seay, Clant M.
Shappley, W. L.
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Shell, Dan H.
Shelton, L. L.
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Smith, G. R.
Smith, L. A., Assoc. Jus.
Smith, L. O., Jr.
Smith Sidney, Chief Jus.
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Snow, Chas. B.
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Steele, R. H.
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Stennett, J. C.
Stirling, Carter
Stirling, J. B.
Stevens, J. M.
Stevens, Phineas
Stockdale, C. L.
Stockton, James M.
Stone, John E.
Stovall, R. B.
Stricker, V. J., Chancellor
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Stringer, A. C.
Stringer, H. C.
Stringer, Iva Lee
Suddath, W. E., Jr.
Sullivan, C. A.
Sumrall, J. H.
Taylor, H. D.
Taylor, O. B.
Taylor, O. B., Jr.
Taylor, R. H.
Taylor, Swepson S.
Teat, G. L.
Terry, Robert B.
Thomas, Earl T.
Thompson, Allen C.
Thompson, Fulton
Thompson, J. H.
Thompson, R. H.
Thornell, C. M.
Tighe, B. L., Jr.
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Wander, Mose
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Waterman, David L.
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Watkins, Thos. H.
Watkins, W. H.
Watkins, W. H., Jr.
Watson, J. R.
Wells, Erskine W.
Wells, Robert
Wells, W. Calvin
Wells, W. Calvin, Jr.
Wells, W. Calvin, III
Wells, Will S.
Whitfield, G. S.
White, Mrs. Helen D.
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Williams, F. T.
Williams, Gladstone E.
Wise, Sherwood
Wood, J. M.
Wood, Orvis S.
Woodliff, George F.
Woodrow, O. J.
Wright, F. L., Gov.
Wyatt, Lon. A.
Young, J. Will, Jr.

KOSCIUSKO

Allen, Joe Frank
Allen, John F.
Allen, John Percy
Crawley, J. T., Jr.
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Guyton, J. D.
Guyton, T. P.
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Gross, D. B.
Harper, Charles E.
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Hilbun, Henry, Jr.
Holloman, Frank C.
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Montgomery, Goode, Jr.
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Ross, Quitman
Scott, A. S.
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Walker, Ray
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Welch, David C.

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Hathorn, Hoy
Livingston, Ed. M.
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Reich, Frank L.
Rogers, Henry L.
Strong, W. A., Jr.

LUCEDALE
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Moss, J. O.
Murphy, Wm. S.

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Yeager, John A.

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Cassidy, J. J.
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Reeves, R. B.
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Torrey, J. A.
Torrey, Sanfred

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King, Bee
Sykes, James B.

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Bozeman, A. S., Jr.
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Cameron, Chas. B.
Cameron, O. W.
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Cooper, R. D.
Covington, J. A., Jr.
Crain, Harold G.
Crain, Mrs. Maxine
Denton, C. L.
Dunn, Edwin A.
Dunn, J. Thomas
Ethridge, Geo. M., Jr.
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Gilbert, V. W.
Gillespie, R. G.
Gipson, Champ
Gipson, J. R.
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Graham, J. H., Judge
Graham, S. M.
Harwell, J. E.
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Miller, M. V. B.
Minniece, Thos. Y.
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Rogers, Fred
Sams, L. F.
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Snow, E. L.
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Williams, Thomas M., Jr.
Williamson, N. S.
Wills, L. E.
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Wright, Russell

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Patterson, J. N.

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Himelstein, Ben

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Calhoun, Ed. L.

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Handy, Geo. S.
Hornsby, Oliver
Keyer, James H.
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Patterson, C. F.
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Williams, E. B., Jr.
Williams, Lampton D.

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Davis, E. W.
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Farrell, Herbert D.
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Watkins, P. M.
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Martin, G. L.

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Williamson, T. L.

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Latham, W. F.
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Hannon, A. J.
Melton, Miss Louise
Williams, John B.
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Smith, C. C.
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Street, Oscar
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Johnston, Oscar
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Huff, W. J.
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Ward, Will E.
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Hatten, W. J.
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Lowe, J. T., Judge
TUPELO
Adams, M. T.
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Blair, W. A.
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Boren, H. A.
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Clayton, S. P.
Davis, T. D.
Finley, J. A.
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Hill, Robert E.
Hill, Wiley C.
Long, Sam H.
Lumpkin, Sam E.
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Mitchell, Guy W., Jr.
Mitchell, Wm. P.
Monaghan, Noel
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Brunini, Edmund L.
Brunini, John B.
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Dabney, J. B.
Dabney, L. B.
Dent, R. L.
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Ward, Emmett
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206 B. 3rd St.
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104 St. Francis St.
Witherspoon, John
1323 Old Shell Rd.
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Reynolds, B. H.
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La. Nat. Bk. Bldg.
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NEW ORLEANS, LA.
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860 St. Charles
Bates, Henry G.
901 Hibernia Bk. Bldg.
Blackwell, M. G.
613 Poydras St.
Cooper, R. F., Jr.
1308 Masonic Temple Bldg.
Dovith, Melvin
7020 Franklin Ave.
Fankhauser, Carl E.
1508 S. Charles
Johnson, Ben F., Jr.
829 St. Charles
Patton, Wright
1308 Masonic Bldg.
Ross, H. E., Jr.
905 Carondelet Bldg.
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Stump, D. R.
Fed. Land Bk.
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Cox, Hohn Bruce
3325 Alexander Ave.
Toulme, C. W.
Box 67
DETROIT, MICH.
Cox, John B.
19190 Littlefield Ave.
Cox, S. M.
19190 Littlefield Ave.
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2906 Dorman Ave., S.
JOPLIN, MO.
Garner, A. H.
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MISSISSIPPI LAW JOURNAL

VOLUME XVIII
1946-1947

Published by

Mississippi State Bar

and

University of Mississippi Law School

UNIVERSITY, MISSISSIPPI

GENERAL INDEX

Prepared Under Direction of Clarence E. Morgan, Jr., Index Editor

TITLE INDEX TO LEADING ARTICLES

Commerce Regulation Before Gibbons v. Ogden:
Interstate Transportation Enterprise ..... *Albert S. Abel* 335
Constitutional Decisions During the War Years ..... *George W. Stumberg* 183
Implied Covenants in Oil and Gas Leases ..... *H. P. Pressler Jr.* 402
Mississippi Land Descriptions ..... *Jack H. Ewing* 381
Recent Mississippi Oil and Gas Cases ..... *John W. Wade* 243
Regulation of Interstate Commerce by the States:
Action by Will of Congress ..... *J. A. Burkhart* 230
Scope of the Federal Employers' Liability Act—
Recent Developments ..... *Samuel P. Delisi* 206
Spacing, Pooling and Field-Wide Unitization ..... *Raymond M. Myers* 267

AUTHOR INDEX TO LEADING ARTICLES

Abel, Albert S.—Commerce Regulation Before Gibbons v. Ogden:
Interstate Transportation Enterprise 335
Burkhart, J. A.—Regulation of Interstate Commerce by the States:
Action by Will of Congress 230
Delisi, Samuel P.—Scope of the Federal Employers' Act—
Recent Developments 206
Ewing, Jack H.—Mississippi Land Descriptions 381
Myers, Raymond M.—Spacing, Pooling and Field-Wide Unitization 267
Pressler, H. J., Jr.—Implied Covenants in Oil and Gas Leases 402
Stumberg, George W.—Constitutional Decisions During the War Years 183
Wade, John W.—Recent Mississippi Oil and Gas Cases 243

THE WORK OF THE MISSISSIPPI SUPREME COURT, 1942-1946

Contracts and Commercial Law ..... *Vardaman S. Dunn* 3
Criminal Law ..... *Fred B. Smith* 16
Evidence ..... *John H. Fox, Jr.* 24
Insurance ..... *O. B. Triplett, Jr.* 58
Pleading, Practice and Procedure ..... *John C. Stennis* 63
Property ..... *L. G. Fant, Jr.* 80
Public Law ..... *Littleton Upshur* 91
Taxation ..... *Francis S. Bowling* 105
Torts ..... *David C. Welch* 114

LEGISLATURE

The Work of the 1944 and 1946 Sessions of the Mississippi Legislature ..... *John W. Kyle* 132

PERTAINING TO THE MISSISSIPPI STATE BAR

List of Members for 1947 606

Proceedings of the Forty-Second Meeting of the Mississippi State Bar

ADDRESSES

R. C. Stovall, *President's Annual Address* 491

Frank E. Everett, Jr., *We The People* 506

Sidney C. Mize, *Reduction of Costs on Appeal to the Circuit Court of Appeals* 538

George E. Allen, *Economics* 544

Fred E. Strine, *The Lawyer in the Post-War Reconversion Period* 549

James D. Fellars, *The Lawyer's Obligation* 581

REPORTS

Finance Committee 498

Complaint Commissioner 501

Junior Bar Section 502

Committee on Procedural Reform 511

Committee on Legal Education and Admissions 523

American Bar Association Committee 542

Mississippi Law Journal Committee 557

Committee on Resolutions 557

Budget Committee 562

Audit of Accounts and Finances 499

Proceedings of Junior Bar Section 565

NOTES

Judicial Review of Determination of Oil and Gas Conservation 456

Missisippi Veterans' Legislation 300

Procedure Before the Public Service Commission and Judicial Review of Its Decisions 286

Res Ipsa Loquitur in Malpractice Actions 448

Taxation of Oil and Gas Interests in Mississippi 143

The Liability of An Undisclosed Principal After Settlement With the Agent 436

The Mississippi Business Sign Statute—Necessity of Agency or Partnership Relation 417

RECENT DECISIONS

Administrative Law—Notice and Hearing—Revocation of Beer Permit by State Tax Commissioner 169

Adverse Possession—Burden of Proof 314

Aircraft Accidents—Presumption of Negligence Generally from Surrounding Circumstances—Relation of Carrier and Passenger Necessary 465

Conflict of Laws—Jurisdiction to Divorce—Full Faith and Credit to Foreign Divorce Decrees 467

Constitutional Law—Interstate Commerce—State Tax Statute Discriminating Against Foreign Insurance Corporation 315

Constitutional Law—Political Question—Apportionment 170

Constitutional Law—Waiver of the Right to be Heard by Counsel in Capital Cases 468

Divorce—Denial of the Doctrine of Recrimination as a Bar to Divorce 471

Homestead—Actual Occupancy Required—What Interest Necessary to Support Exemption 317

Husband and Wife—Liability of Wife for Necessaries 172

Internal Revenue—Exemption of "Agricultural Labor" from Social Security Taxation—Extent of Exemption 474

Labor Law—N. L. R. A.—Legality of "Company Plans" 175

Libel and Slander—Exceeding a Conditional or Qualified Privilege 319

Life Insurance—Is Insurer's Assumption of Risk of Execution Against Public Policy?—Policy Exceptions v. Incontestability Clause 476

Marriage by Proxy—Validity in Mississippi as Either a Common-Law or Ceremonial Marriage 480

Master and Servant—Master's Duty to Furnish Servant Safe Place to Work—Changing Conditions of Employment 482

Master and Servant—Respondeat Superior—Should Age of Minor Servant Be Considered in Determining Liability of Master for Acts of Servant? 323

Negligence—Person Negligently Placing Himself in Peril Liable for Injuries to Rescuer 483

Partnership—Distribution of Assets on Dissolution—Distinction Between Capital and Undivided Profits 325

Property—Acquisition of Public Road by County—Prescription or Dedication 177

Taxation—Cabaret Tax—Right to Sue for Refund Where Erroneously Paid 486

Taxation—Piercing the Corporate Entity 327

Wills—Statute of Frauds—Oral Agreement for the Devise of Realty 328

Wills—What is the End of a Will? 331

Witnesses—Privileged Communications—Clergyman and Penitent 180

MISSISSIPPI STATUTES

MISS. CODE ANNOTATED (1942)
Section 264 (d)....329
Section 269....331
Section 273....417
Section 419....139
Section 451....173
Section 501....304
Section 860....133
Section 1169....79
Section 1198....78
Section 1201....79
Section 1391....76
Section 1392....77
Section 1433....72, 73
Section 1437-1440....74
Section 1533....77
Section 1578....67
Section 1697....141
Section 1971....78
Section 5346....75
Section 7352....107
Section 7517-7532....300
Section 9227....308
Section 9259....111
Section 9313....109
Section 9318....109
Section 9723....308
Section 9746....106
Section 9769....157
Section 9770....154
Section 9815....107
Section 9818....107
LAWS OF 1944
Chapter 165....133
Chapter 166....133
Chapter 167....134
Chapter 176....135
Chapter 307....139
Chapter 315....141
LAWS OF 1946
H. B. 2....136
H. B. 15....136
H. B. 61....140
H. B. 82....138
H. B. 113....140
H. B. 449....139
H. B. 493....133
H. B. 568....140
H. B. 634....140
H. B. 644....135
H. B. 645....133
H. B. 646....134
S. B. 65....139
S. B. 149....140
S. B. 246....138
S. B. 302....140

TABLE OF CASES

Alabama v. King and Boozer....202
Alexander v. Carsley....64
Allen v. Boykin....251
Archer v. High....73
Archer v. State....37
Armstrong v. Bell....247, 250
Armstrong v. Ittawamba County....100, 177
Armstrong v. Shell....6, 68
Armstrong v. Stokes....440
Baker v. Baker's Estate....331
Baker v. Conn. Gen. Life Insurance Co....8
Bangren v. State....18
Barnes v. State....180
Barnett v. Lollar....101
Barnett v. Woods....94
Berry v. Dobson....318
Betts v. Brady....190
Bishopric v. City of Jackson....14, 101
Brand v. Board of Supervisors of Newton County....94
Brashier v. State....31
Briggs v. Gautier....98
Brown v. Maryland....195
Brown v. Mississippi....190
Brown v. State....37
Brock v. State....37
Bullock v. State....21
Burford v. Sun Oil Co....266
Burton v. Atkins....6, 11, 71
Calif. v. Thompson....195, 237
Calif. Co. v. State Oil & Gas Board....261, 460
Campbell Paint & Varnish Co. v. Hall....419
Cambden Fire Ins. Co. v. New Buena Vista Hotel Co....58
Cantwell v. Connecticut....191
Capitol Stages v. State ex rel. Hewitt....99
Capps v. Postal Telegraph-Cable Co....5
Carney v. Buyea....483
Carter v. People of Ill....468
Carter v. State....74
Carter v. Va....239
Causey v. Gilbert....94
Causey v. Jones....94
Chickasaw Co. v. G. M. & O. R. Co....107
Citizens Bank of Hattiesburg v. Miller....9
City of Greenville v. Laury....122
City of Jackson v. Ashley....260
City of Jackson v. McLeod....92, 96
City of New York v. Miln....231
Clary v. Breyer....30
Clayton v. Paden....16
Clement v. Stone....111
Colgrove v. Green....170
Collector v. Day....202
Comm. of Int. Revenue v. Rector & Davidson....280

Cook v. Farley....244, 245, 249
Cooley v. Port Wardens of Philadelphia....195, 233, 234
Cooper v. State.... 42
Costas v. Bd. of Supervisors of Lauderdale County.... 94
Covington v. Carley....123
Covington v. Columbia Military Academy.... 68
Cox v. New Hampshire....192
Crowell v. State.... 29
Cummings v. Mid-State Oil Co....250
D'Antonio v. Teche Lines, Inc.... 29
Davis et al. v. Davidor et al....317
Davis v. Dept. of Labor....222
Davis Adm'r v. Ohio Valley Banking & Trust Co....324
DeJonge v. Oregon....193
Deposit Guaranty Bank & Trust Co. v. Williams.... 5
Di Santo v. Pennsylvania....195
Dixie Greyhound Lines, Inc. v. Public Service Comm....261, 461
Dodds v. Pratt....419
Dolan v. State.... 30
Dorsey v. Latham....9, 419
Duckworth v. Ark....239
East Fifty-Fourth St. Inc. v. United States....486
Eckert v. Long Island R. Co....486
Elkinson v. Deliesseline....376, 378
Ellis v. M. & F. Bank.... 78
Ellzey v. Frederic....424
Enochs v. State....106
Equitable Life Assur. Soc. v. Askew 62
Everett v. Hubbard.... 4
Ewing v. Goode....449
Ex Parte Pool....375
Farish v. Stone, State Tax Commissioner....169
Fatheree v. McCormick....250
Fed. Land Bank of N. O. v. Newsome....109
Fed. Radio Comm. v. Gen. Electric Co....263
Fed. Radio Comm. v. Nelson Bros. Bond & Mtge. Co....264
First Nat. Bank v. Miss. Unem. Com. Comm.... 96
Fitz Gerald v. Ab. Mfg. Co....423
Fitzgerald Const. Co. v. Pederson....185
Forman v. Miss. Publishers Corporation....72, 129
Frank v. Frank.... 59
Frederick v. Bd. of Sup'rs of Jackson County....79, 104
Fry v. State.... 32
Gabbert v. Treadaway....122
Galtney v. Wood.... 13
Gardener v. Price.... 95
Garner v. State.... 25
Genola v. Ozburn....31, 65
Gibbons v. Ogden....195, 231, 335, 375
Gillaspy v. Inter. Harv. Co....428
Gillespie v. Brewer.... 65
Glover v. City of Columbus....102
Golden v. Thompson....101
Goosby v. Byrd....108
Grant v. Dotson.... 71
Great A. & P. Co. v. Davis....43, 44
Griefield v. Gibraltar Fire & Marine Ins. Co....128
Grimes v. Grimes....47, 66
Grubb v. McAfee....409
Gulf, M. & N. R. Co. v. Holifield....124
Gulf, M. & O. R. Co. v. Webster County....113
Gulf Ref. Co. v. Stone, State Tax Comm....151, 255, 260
Gulf Ref. Co. v. Terry....243
Gulf & S. I. R. Co. v. Laurel Oil & Fertilizer Co....289
Gumbel v. Koon....429
Gunter v. Reeves....129
Haddock v. Haddock....199, 200
Hall v. Hall....467
Hammer v. Dagenhart....241
Harper v. Fears.... 59
Hasson Groc. Co. v. Cook.... 13
Hartford Acc. & Ind. Co. v. Hewes.... 12
Hawkins v. State.... 26
Heafner v. State.... 35
Heald v. Kenworthy....439, 442
Henderson v. Odom.... 76
Hester v. Bishop.... 75
Hill Trans. Co. v. Everett....323
Hoge v. Turner....432
Holloway v. State.... 22
Holmes County v. Ellis....102
Holyfield v. State, Use of Adams.... 73
Home Ins. Co. of N. Y. v. Northington.... 63
H. P. Welch Co. v. N. Hampshire....236
Horn v. Guthrie.... 76
Hoxie v. Hadad....28, 29
Hunter Co. v. McHugh....269
Illinois C. R. Co. v. Behrens....211
Illinois C. R. Co. v. Dodd....461
Interstate C. C. v. U. P. R. Co....463
Ind. Linen Service Co. v. Sennett.... 5
Ind. Linen Service Co. v. Stone....487
Ingalls Shipbuilding Corp. v. Bd. of Sup'rs of Jackson Co....105
In re Carver....420
In re Hemming....420
In re Rahrer....238
Int. Harvester Co. v. Gully....431
Imbraguglio v. State.... 38
Irvine v. Watson....440, 443
Itawamba County v. Sheffield....314
Jackson v. Day.... 4
Jackson v. Gordon.... 95
Jeffcoat v. State.... 19
Jefferson v. Y. & M. V. R. Co....127
Johnson v. Sowell....245
Johnston v. Tomme....329

Jones v. Hernando Bank 5
Jones v. Opelika 192
Jones v. Seward 101
Jones v. State 29
J. R. Watkins Co. v. Guess 78
Kalmia Realty & Ins. Co. v. Hendrix 258
Kasahof v. Embry-Riddle Co. 465
Kenan v. McGowan 474
Kennington-Saenger Theatres v. State ex rel. D. Atty. 104
Kentucky Whip & Collar Co. v. I. C. R. Co. 240
Killings v. Metro. Life Ins. Co. 30, 31, 66
King v. Sturges 318
Kirschbaum Co. v. Walling 185
Knower v. Baldwin 75
Koenig v. Calcote 246, 247, 250
Kymer v. Suwercropp 437
Ladner v. Pigford 59
Lamar Life Ins. Co. v. Bounds 62
Lamar Life Ins. Co. v. Mente & Co. 56
Lambert v. Powell 3
Lavecchia v. Mayor et al. of Vicksburg 52
Lee v. Memphis Pub. Co. 74
Leflore v. State 43
Leisy v. Hardin 195, 238
Lloyd's Estate v. Mullen Tractor & Equip. Co. 246, 403, 406
Long v. Patterson 72, 116
Lott v. I. C. R. Co. 65
Magnolia Pet. Co. v. Page 407
Malinsky v. New York 190
Marsh v. Alabama 192
Martin v. Newell 16
Martin v. State 46
Maurer v. Hamilton 235
McCaslin v. Willis 7, 47, 52
McCaw v. Turner 141
McCulloch v. State 32
McCullough v. Maryland 202
McCubbins v. Morgan 251
McLain v. State 20
McLemore v. Wileys Hosp. 12, 173
McLeod v. Dilworth 196
McLeod v. Threlkeld 221
McNair v. Virden Lumber Co. 10
McNeese v. Renner 244, 250
Meador v. Hotel Grover 116
Merrill Eng. Co. v. Cap. Nat. Bank 248, 250, 260
Midsouth Paving Co. v. State Highway Comm. 14, 64
Midsouth Paving Co. v. Trinidad Mfg. Co. 64
Miller v. Miller 468
Miss. Butane Gas System Co. v. Glisson 10
Miss. Power & Light Co. v. Love 163, 259
Miss. State Bd. of Dental Examiners v. McBee 93
Mitchell v. Film Transit Co. 69
Modern Woodmen of Am. v. Kehoe 62, 475
Monette v. State 102
Monroe v. State 41
Montgomery Ward & Co. v. Skinner 130, 319
Moore v. Abdalla 70
Moss v. Jourdan 243
Mulford v. Smith 187
Nat. Burial Ass'n v. Wright 13
Nat. L. R. B. v. Jones & Laughlin Steel Corp. 183
Nat. L. R. B. v. Matthews & Co. 176
Neeley v. Martin 67
Nelson v. City of Natchez 104
Newell Cont. Co. v. State Highway Comm. 5
New Orleans & N. E. R. Co. v. Miles 5, 51, 52
Newsome v. State 50
New York v. U. S. 203
New York Cent. R. R. v. Winfield 208
Nippert v. Richmond 241
Odom v. Walker 27
Overstreet v. North Shore Corp. 221
Pace v. State ex rel. Rice 246, 252
Pace v. Wedgeworth 52
Paine v. Hall Safe & Lock Co. 422
Panama Ref. Co. v. Ryan 188
Paramount Richards Theatres v. Johnson 177
Parker v. Film Transit Co. 127
Partee v. Pepple 7
Partlow v. Lickliter 433
Patterson v. Stanolind Co. 269
Patton v. State 95
Paul v. Virginia 315
Pavletich v. Pavletich 471
Paymer v. Comm. of Int. Rev. 327
Pearson v. State 25
Pederson v. D. L. & W. R. R. 209
Phillipps v. State 34
Phila. B. & W. R. R. v. Smith 221
Pike County v. Bilbo 252
Pincus v. Collins 11
Potera v. City of Brookhaven 29
Powell v. Powell 66
Powell v. State 32
Prince v. Mass. 192
Prudential Ins. Co. of Am. v. Barnett 315
Prudential Ins. Co. of Am. v. Benjamin 240, 241
Pyle v. Kansas 190
Quin v. Miles 427
Quitman County v. Turner 104
Railroad Commission (Trem Carr) v. Shell Oil Co. 458
Renfroe v. Aswell 57
Rhoades v. Campbell 71
Richardson v. Moore 250
Richardson v. State 40, 51

Rigby v. Stone 101
Riley v. N. Y. Trust Co. 198
Risk v. Risher 6
Robertson v. Calif. 240
Ross v. Milner 66
Saint Paul Fire & Marine Ins. Co. v. Staten 63
Sample v. Romine 78, 251
Sanders v. Smith 450
Sanderson v. Parsons 325
Sartin v. Barlow 79
Saucier v. Ross 451
Sauder v. Mid-Continent Pet. Corp. 411
Sears, oRebuck & Co. v. Creekmore 120
Seward v. First Nat. Bank of Meridian 26
Shanks v. D. L. & W. R. R. 209
Simmons v. Crisler 98
Simmons Hdw. Co. v. Todd 446
Simpson v. United Gas Pipeline Co. 251
Smith v. Allwright 202
Smith v. Atkinson 77
Smith v. McCullen 103, 254
Smith v. Mills 6
Smith v. Smith 13
Smith v. State 17
Smith v. State 24
Smith Co. Oil Co. v. Bd. of Sup'rs of Simpson Co. 156, 249, 256, 260
Smyth v. Anderson 438
Southeastern Under. Ass'n. v. U. S. 316
Southern Dairies Inc. v. Cooper 425
Southern Pkg. Corp. v. State Tax. Comm. 110
Standard Oil Co. v. Henley 116
State v. Harper 69
State ex. rel. Cowan v. State Highway Comm. 99
State Highway Comm. v. McGowen, D. Atty. 99
State Highway Comm. v. Wunderlich 14, 100
State Tax Comm. v. Love Pet. Co. 112
State Tax Comm. v. Memphis Natural Gas Co. 112
State Tax Comm. v. Miss. Power & Light Co. 109
Stephens County v. Mid-Kansas Oil & Gas Co. 147, 245
Stern v. Great Southern Land Co. 243, 244
Stern v. Parker 258
Stewart v. Kroger Groc. Co. 118
Stokely v. State ex rel. Knox 243, 252
Stone v. Farish 103
Stone v. Kerr 108, 113
Stone v. McKay Plumbing Co. 16
Stovall v. Jepson 121
Stribling Motor Co. v. Smith 9
Stuart v. Bd. of Sup'rs 107, 113
Tanner v. State 45, 86
Taylor v. Bell 70
Taylor v. State 21
Taylor v. Twiner 67
Teche Lines v. Danforth 125
The Wilson v. U. S. 375
Thomas v. Fid. Mut. Life Ins. Co. 8, 63
Thomas v. Hively 123
Thompson v. Craig 95
Thompson v. Davenport 438, 443
Thompson v. Kreutzer 153, 254
Thompson v. McLeod 153, 254
Thornhill v. Ala. 194
Tobias Bag Co. v. Delta Cotton Oil Co. 77
Town of McCool v. Blaine 100
Trapp v. Shell Oil Co. 458
Tri-State Transit Co. v. Dixie Greyhound Lines 92, 97
Tufts v. Stone 430
United States v. Classic 201
United States v. Hill 238
United States v. Layton 480
United States v. S. E. Under. Ass'n 240
United States Gypsum Co. v. Reynolds 44
Upton v. State 41
Urschel v. Stone 113
Utah Power & Light Co. v. U. S. 277
Vanzandt v. Town of Braxton 106
Van Zandt v. Morris 59
Vardaman v. McBee 93
Vaughan v. Vaughan 33
Vicksburg v. Crichlow 103
Waggoner Estate v. Sigler Oil Co. 409
Wallace v. Long 482
Ward v. Texas 190
Warren Brokerage Co. v. Miss. Unemployment Comp. Comm. 110
Warren Credit Corp. v. Miss. Unemployment Comp. Comm. 110
Waring v. Favenk 437
Welton v. Missouri 241
West Va. State Bd. of Ed. v. Barnette 191
White v. Hunt 251
White v. Standard Life Ins. Co. 58
Whitfield v. Ohio 239
Wickard v. Filbun 187
Wight v. Ingraham-Day Lbr. Co. 244
Williams v. N. Carolina 468
Wilson v. Black Bird Creek Marsh Co. 231
Wilson v. Peacock 47
Wright v. Thornton 69
W. T. Rawleigh Co. v. Causey 56
Ybarra v. Spangard 454
Young v. Terry 424

TOPIC INDEX

ADMINISTRATIVE LAW

Court review of action of the Mississippi Oil and Gas Board 261
Judicial Review of Determinations of Oil and Gas conservation agencies 456
Revocation of beer permit by State Tax Commission 169

ADVERSE POSSESSION

See also, *Oil and Gas*
Burden of Proof of adverse possession upon claimant 314
Sub-surface minerals 245

AGENCY

Disclosure of principal by trader (Mississippi Business Sign Statute) 417
Liability of undisclosed principal after settlement with agent 436

APPEAL AND ERROR

Amount in controversy 79
Appeal bond 78
Court review of action of the Mississippi Oil and Gas Board 261
Interlocutory appeals 77
Methods of obtaining judicial review of action of the Mississippi Public Service Commission 297
Perfecting appeals 77
Supersedeas 79
Supreme Court rules 79

BILLS AND NOTES

See also, *Evidence*
Discharge and modification 8
Forgery 9
Limitations 8
Negotiation 8
Presumption of payment 7
Warehouse receipts 8

BOARDS OF SUPERVISORS

Election, determination as to result of 94
Legal meeting, effect of failure to sign minutes 94
Parol evidence not competent to support assessment 95
Personal liability for public acts 93

CAPITAL, see, *Partnership*

CARRIERS

Excluded from State Compensation Laws 208
Liability of air carriers for negligence 465
Liability under the Federal Employer's Act 206
Recent cases in Mississippi 125
Strict liability of air carriers 467
Test determining whether employee is engaged in interstate commerce 209
Water carrier regulation 335

COMMERCE

See also, *Carriers, Insurance*

Constitutional decisions during years of World War II dealing with interstate commerce 195
Interstate Transportation Enterprise 335
—Rates and charges 337

—Pilot fees 338
—Wharfage rates and harbor dues 339
—Tolls for highways, waterways, ferries 339
—Regulation of water carriers 344
—States as arbiter between consignor and consignee 348
—Marine insurance 349
—Early Federal Legislation 349, 362, 374, 379
—Personnel regulation of water carriers 350
—Relative rights of persons in carrying trade and general public 364
Harbor regulations 364
—Navigation rules 368
—Assistance to vessels in distress 372
—Use of rivers to float logs 372
Intoxicants, Federal and State regulation 238
Night watchman of plant engaged in interstate commerce 95
Power of Congress to regulate is not exclusive 231
Regulation by the states 230
State tax statute discriminating against foreign insurance corporation held constitutional 315
State workmen's compensation acts inapplicable to person engaged in interstate commerce 208
Summary of power of state to regulate 242
Unfair labor practices affecting interstate commerce 184

CONFLICT OF LAWS

See also, *Divorce* and *Alimony*

Full faith and credit to foreign divorce decrees 467
Jurisdiction to divorce 467

CONSTITUTIONAL LAW

See also, *Intoxicating Liquors, Jehovah's Witnesses, Retirement Laws and Pensions*

Apportionment of congressional districts 170
Commerce Regulation: Interstate transportation enterprise 335
Constitutionality of Mississippi Oil Severance Tax Act of 1944 255
Due process clause 469
Expansion of congressional power in general 183
Federal constitutional decisions during the years of World War II, in general 183
Free speech 98
Full faith and credit 198
If employment connected with interstate commerce, can be regulated by Congress 211
Interstate commerce decisions during years of World War II 195
Right of municipality to discharge policeman because of membership in labor union 96
Sales tax on purchase of building materials for a cost-plus contract with federal government held constitutional 203
State tax statute discriminating against foreign insurance corporation held constitutional 315
Suffrage, regulation of by Congress in Congressional primaries 201
Waiver of right to be heard by counsel in capital cases 468

CONTRACTS

See also, *Bills and Notes, Husband and Wife, Liens, Mortgages, Principal and Surety, Sales, Statute of Frauds*

Breach of 13
Contracts of indenture for transportation to United States 347
Failure to read 3
Fiduciaries 6

Foreign corporations 5
Gaming 5
Husband and wife—See *Husband and Wife*
Liens—See *Liens*
Mental capacity, effect of 3
Mistake of fact or law 4
Negotiable instruments—See *Bills and Notes*
Principal and surety—See *Principal and Surety*
Public contracts 13
Sales and implied warranty—See *Sales*
Statute of Frauds, effect on oral chattel mortgages—See *Statute of Frauds, Mortgages*
Sunday contracts 6
Service contract, performance under oral agreement for the devise of realty 329

CONVEYANCES

See also, *Oil and Gas*

Grantee of property with mineral exceptions who conveys with same exceptions conveys exactly what he has received 250
Mineral leases in public lands 252

CORPORATIONS

Piercing the corporate entity in certain instances 327

COURTS

Youth courts 136

CRIMINAL LAW

Culpable negligence in criminal cases 17
Due process in criminal law, World War II 190
Execution of insured—See *Insurance*
Habeas corpus, writ of, when accused not allowed counsel 470
Homicide growing out of traffic accident 17
Intoxicating liquor 22
Malice as necessary element of murder 18
Protection of vessels in commerce 370
Trespass, right to defend house of prostitution against 18
Waiver of right to be heard in capital cases 468

DEEDS

Recording effective as delivery 87
When provisions of constitute testamentary disposition 86

DIVORCE AND ALIMONY

See also, *Conflict of Laws, Jurisdiction, Evidence*
Divorce—Denial of the Doctrine of Recrimination as a Bar to Divorce 471
Marriage by Proxy—Validity in Mississippi as Either a Common-Law or Ceremonial Marriage 480

DUE PROCESS

See also, *Constitutional Law, Criminal Law*

Due process clause not violated by discriminatory tax statute against foreign insurance corporation 317
Solicitation of money by Jehovah's Witnesses for religious purposes protected 191
Power of the states, in general 189

ELECTIONS

Counters, number necessary in primary election 98
Failure of election officers to take oath 98

EMPLOYEES

See also, *Commerce*

Employment—What can be controlled by interstate regulation 211
Engaged in Interstate Commerce sole remedy under Federal Employer's Liability Act 208
Test to determine whether employee is engaged in interstate commerce 209

EQUITY

Doctrine of recrimination as bar to divorce 471

EVIDENCE

Accretion, presumption of 44, 45
Antecedent acts of deceased, proof of where self-defense is plea 51
Competency of testimony of wife against husband 24
Confession 26
Corpus Delicti, proof of 35
Evidence of similar offenses, when competent 46
Exclusion of witnesses from courtroom 47
Former acquittal, when evidence of competent 45
Hearsay rule 33
Impeachment of own witness 38
Inconsistent statement, explanation of 42
Interference raised by non-production of evidence which would naturally have been produced 37
Inflammatory and prejudicial testimony 26
Interest of witness in the result of the suit 28
Judicial comment on the weight of evidence 30
Jury panel hearing extraneous discussion of case, effect of 27
Marriage, as presumption of dissolution of prior marriage 33
Memorandum to refresh recollection 46
Parol evidence, competency to contradict written note and bill of sale 57
Privileged communication, attorney and client 48
Privilege of accused to testify or not 30
Prosecutrix, ability to testify in rape charge 33
Prosecutrix, credibility of uncorroborated testimony in rape case 38
Res Ispa Loquitur in malpractice actions 448
Tax records, introduction of to show notice of tax sale 52
Trial judge, functions of judge and witness incompatible 31
Unexplained possession of stolen property as circumstance from which guilt may be inferred 29
Unfavorable inference of counsel referring to accused's exercise of option to not testify in own behalf 30
View of scene of crime, when proper 43
Weight of evidence on appeal 52
Witness, impeachment of as to immaterial or collateral matter 36

FULL FAITH AND CREDIT

See also, *Conflict of Laws, Divorce and Alimony*

Constitutional limitation on freedom of state action 198

GUARDIAN AND WARD

See also, *Veterans*

Mississippi legislation dealing with guardianship of veterans 305

HABEAS CORPUS, see, *Criminal Law*
HIGHWAYS

Compensation to county by state for taking over paved road 98
District Attorney to act as realtor, when 99
State Highway Commission, established as body corporate 100
Title to by prescription or adverse possession 100
When finally located 99

HOMESTEADS

Actual occupancy required 317
What interest necessary to support exemption under Homestead Exemption Act 317

HUSBAND AND WIFE

See also, *Evidence*

Liability of husband for wife's contract for necessaries 12
Liability of wife for necessaries 172

INSURANCE

Fire policy, control of the risk 62
Life policy
Double indemnity 61
Elective benefits 60
Good health, meaning of 60
Incontestability clause 62
Insurer's assumption of risk of execution 476
Total disability 60
Nature of the contract 58
Sale of, within interstate commerce 240
State tax discrimination against foreign insurance corporation 315

INTERSTATE COMMERCE, see, *Commerce, Carriers*
INTERNAL REVENUE

Exemption of "Agricultural Labor" from Social Security taxation 474

INTOXICATING LIQUORS

See, *Criminal Law*

Regulation under commerce clause of Federal Constitution 238

JEHOVAH'S WITNESSES

See also, *Due Process*

Solicitations of money 191

JUDICIAL REVIEW

See also, *Public Service Commission*

Court review of State Oil and Gas Board 261
Determinations of oil and gas conservation agencies, review of 456
Review of action of Public Service Commission, methods of obtaining 297

JURISDICTION

Federal and state regulation of intoxicants 238
Jurisdiction to divorce 467
Predominance of Federal jurisdiction under Federal Employer's Liability Act 223
Public Service Commission's Jurisdiction to be strictly construed 286
Railroad regulation, jurisdiction of 235
Test to determine whether employee is engaged in interstate commerce 209
Under Federal Employer's Liability Act 208

LABOR LAW

See also, *Commerce, Constitutional Law*

Expansion of congressional power in regulation of labor 185
Legality of "Company Plans" 175

LEASES

Absolute-Ownership Theory in Oil and Gas lease 244
Form for oil and gas 402
Mineral leases in public lands 252
Nature of lessee's interest in oil and gas leases 245
Nature of lessor's interest in oil and gas leases 247
Nature of landowner's interest in oil and gas leases 244

LIBEL AND SLANDER

See also, *Torts*

Exceeding a conditional or qualified privilege 319

LIENS

Attorneys 9
Equitable lien 11
Mechanics liens 10
Oral mortgages 11
Release by executing bond 11
Stop notice priorities 10
Vendors liens 9

LOANS

Under Mississippi's Veterans' Farm and Home Purchase Act 300

LUNANCY AND INSANITY

See also, *Veterans*

Legislation dealing with lunatic veterans 306

MALICE, see, *Priliveged Communications*

MARRIAGE, see, *Evidence*

MASTER AND SERVANT

Changing conditions of employment 482
Minor servant, age of, as consideration for determining liability of master 323

MILITARY SERVICE

Legislation relating to persons in 132

MINERALS

See, *Oil and Gas*

Adverse possession of sub-surface minerals 245
Mineral leases of public lands 252
Partition of mineral interests 244

MINORS

Guardian and Ward 139
Minor servant, age of, as consideration for determining liability of master 323

MORTGAGES, see, *Liens*

MUNICIPAL CORPORATIONS

Aid to veterans 310
Ordinance setting closing hours for store held unconstitutional 100

NEGLIGENCE

See also, *Torts*

Liability of air carriers for 465
Person negligently placing self in peril—
Liable for injuries to rescued 483
—Contributory negligence 484
—Proximate cause 485
Presumption of negligence in aircraft accident 465
Reasonable foreseeability 114

NOTICE

See also, *Partnership, Public Service Commission*

Method of serving notice for hearing before Public Service Commission 288
Notice to be given by Public Service Commission to parties before hearing 286

OIL AND GAS

See also, *Judicial Review*

Absolute ownership theory 244
Implied covenants in oil and gas leases 402
Interest of lessor and lessee in royalties 248
Mississippi Oil and Gas Severance Tax (1944) 255
Nature of Landowner's interest in oil and gas leases 244
Nature of Lessee's interest in oil and gas leases 245
Nature of Lessor's interest in oil and gas leases 247
Problems in construing instruments involving oil and gas 249
Recent Mississippi cases involving oil and gas 243
Spacing, Pooling, Unitization 267
Taxation of oil and gas interests 254
Taxation of oil and gas interests in Mississippi 143

PARTITION

Mineral interests, when may be partitioned 245
Partition of lands, change of procedure for 140

PARTNERSHIP

Disclosure of partner by trader (Miss. Business Sign Statute) 417
Distinction between capital and undivided profits 325
Distribution of assets on dissolution 325

POLICE POWER

See also, *Oil and Gas*

Oil well spacing as exercise of police power for prevention of waste and unnecessary fire hazards 267

PRACTICE AND PROCEDURE

See also, *Judicial Review, Oil and Gas*

Failure of Circuit Judge to sign minutes at time fixed by law 95
Judgments
Co-defendants discharge 65
Vacating judgments 65
Limitations of Actions
Accelerated payments 63
Surety Bonds 64

Pleading
Abatement 66
Counterclaims 70
Cross-bills 69
Former acquittal 68
Inferences 67
Nonsuit 69
Res Judicata 70
Set-off 69
Sunday Contracts, see also, *Contracts* 68
Undisposed Plea 68
Removal of Causes 64
Trial, see also, *Evidence*
Civil immunity 74
Conduct of case 73
Cost bond 73
Doing business within the state 74
Due Process 74
Revival 75
View precluding proof 75
Weight of evidence 76
Venue
Action for libel 72
Local defendants 72
Public officers 73
Verdicts
Form 71
Recitals in judgment 71
Witnesses, see also, *Evidence*
Instructions 65
Invoking the rule 66, 47
Public policy 66
Waiver of right to be heard in capital cases 468

PRICE CONTROL

Liberality of federal governmental price fixing 187

PRINCIPAL AND AGENT, see, *Agency*

PRINCIPAL AND SURETY

Right of creditors to recover on surety bonds 12

PRIVILEGED COMMUNICATIONS

Communications between clergyman and penitent 180
Qualifiedly and absolutely privileged communications distinguished 320

PROFITS, see, *Partnership*

PROPERTY

See also, *Deeds, Evidence, Highways, Taxation*

Accretion and avulsion 80
Adverse possession 82
Easement by grant 86
Executory devise, nature and effect of 88
Homestead, right of 91
Mineral rights 85
Mississippi land descriptions 381
Blanket 383
Courses and distances 387
Cover-all clause 399
Fractional designation 390
Metes and bounds 385

Miscellaneous 395
Name or well-known designation 384
Part of tract 392
Reference 381
Some principles of construction 397
Streets and alleys 389
Use and acquisition under Mississippi Business Sign Statute 418

PUBLIC BOARDS AND COMMISSIONS

Granting of certificate of public necessity is act legislative in nature 92
Revocation of dentistry license 93

PUBLIC LANDS

See also, *Leases*

Mineral leases in public lands 252

PUBLIC OFFICERS

Coroner, when a peace officer 102
Definition 102
May rely on statute without determining constitutionality thereof 101
Presumption of manner of performance of duty 101

PUBLIC SERVICE COMMISSION

Commission does not have power to render a final judgment or order 298
Distinct findings of fact are required of the commission 295
Jurisdiction of Public Service Commission to be strictly construed 286
Method of obtaining a hearing before commission 290
Method of serving notices on parties to appear 288
Orders of commission are certified to designated parties 296
Procedure before, and judicial review of decisions 286
Provision for trial examiner 289
"Reasonable notice" given litigants before commission hears case 287
Rules of evidence to be followed in hearing before commission 291

RELEASE OF POWERS OF APPOINTMENT ACT

In general 138

RESPONDEAT SUPERIOR, see, *Master and Servant*

RETIREMENT LAWS AND PENSIONS

Constitutionality of 103

ROYALTIES, see, *Oil and Gas*

SALES

Implied warranty 13

SCHOOLS

See also, *Taxation*

Choctaw Purchase, meaning of 103

SIGNATURE

See also, *Wills*

What is end of a will? 332

SOCIAL SECURITY

Exemption of "Agricultural Labor" from taxation 474

STATUTES

History of and spirit should be taken into account ... 104
Mississippi Business Sign Statute ... 417
Mississippi Oil Severance Tax Act ... 255
Statute permitting revocation of beer license ... 104

STATUTE OF FRAUDS

See also, *Evidence*

Oral Agreements for the devise of realty ... 328
Strict construction in Mississippi ... 329

SUFFRAGE

Congress has power to regulate congressional primaries ... 201

SUNDAY LAWS

Enforcement of laws against picture shows on Sunday ... 104

TAXATION

See also, *Oil and Gas, Social Security, Statutes*

Cabaret tax—right to sue for refund where erroneously paid ... 486
Exemptions from taxes for veterans ... 308
Failure of veteran to pay taxes on property purchased by loan under the Mississippi Veterans Farm and Home Act ... 303
Franchise Tax ... 109
Income Tax ... 111
Piercing the corporate entity ... 327
Power of state tax collector ... 114
Problems involved in oil and gas interests ... 254
Property Tax, in general ... 105
Assesment, power of State Tax Commission to review ... 108
Protection against assessments of more than value of property ... 107
School district taxes, power of municipality to bring suit for collection 106
Tax for pauper fund ... 107
Taxation under B. A. W. I. Act ... 105
Unpaid taxes, personal liability for ... 106
Sales Tax on purchase of building materials for a cost-plus contract with federal government ... 203
Taxpayer's remedies ... 113
Unemployment Compensation Tax ... 110

TORTS

See also, *Negligence, Carriers*

Master and Servant ... 118
Automobiles ... 122
Generally ... 130
Libel and Slander ... 129
Master's liability for injuries to servant ... 118
Master's liability for servant's injuries to third persons ... 120
Railroads ... 124
Right to defend house of prostitution against ... 18
Trespass ... 127
To the person ... 127
To property ... 128
Presumption of negligence in aircraft accident ... 465
Res Ipsa Loquitur in malpractice actions ... 448
Strict liability of air carrier for harm to passenger ... 467

TRADE, see, *Commerce*

TRADER

Definition of 418

UNIFORM STOCK TRANSFER ACT

In general 138

VETERANS

See also, *Loans, Lunacy and Insanity, Guardian and Ward*

Aid to Veterans through municipalities and counties 310
Comparison of Mississippi's Veterans' Farm and Home Purchase Act with Federal Servicemen's Readjustment Act of 1944 300
Conditions in contract for loan under Veteran's Farm and Home Act 303
Exemptions from taxes and fees for veterans 308
Mississippi's legislation dealing with guardianship of veterans 305
Mississippi's legislation dealing with lunatic veterans 306
Wills of veterans, manner of proof and admission to probate 304

WASTE, see, *Oil and Gas*

WILLS

See also, *Signature*

Executed by persons serving in armed forces, manner of proof and admission to probate 304
Oral agreements for the devise of realty 328
Proof of 140
What is the end of a will? 329

WITNESSES, see also, *Evidence, Privileged Communications?*

WORLD WAR II, see also, *Constitutional Law*

WORKMEN'S COMPENSATION ACTS

See also, *Employees, Commerce*

Inapplicable to employees engaged in interstate commerce 208

ZONING

County zoning statutes 104

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